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No. 18]

NEW DELHI, SATURDAY, MAY 5, 1962/VAISAKHA 15, 1884

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the [23rd April 1962 :—

Issue No.	No. and Date	Issued by	Subject
172	S. O. 1193, dated 19th April, 1962.	Ministry of Commerce & Industry.	Appointment of Shri H. Sitarama Reddy, as Chairman of the Coffee Board, Bangalore.
	S. O. 1194, dated 19th April, 1962.	Ditto.	Appointment of members of the Coffee Board.
173	S. O. 1195, dated 19th April, 1962.	Ministry of Law.	Declarations containing the names of the candidates elected to fill the vacancies in the Council of States.
174	S. O. 1196, dated 21st April, 1962.	Election Commission, India.	Appointment of officers specified in the schedule to be the Assistant Returning Officers for the Presidential Election.
175	S. O. 1197, dated 21st April, 1962.	Rajya Sabha Secretariat.	List of valid nominations for election to the office of Vice-President of India.
176	S. O. 1198, dated 21st April, 1962.	Lok Sabha Secretariat.	List of valid nominations for election to the office of President of India.
177	S. O. 1199, dated 23rd April, 1962.	Ministry of Information & Broadcasting	Approved of films Specified therein.
178	S. O. 1200, dated 23rd April, 1962.	Election Commission, India.	Specifying the Assistant Returning Officers who shall conduct the poll at the places of polling.

Issue No.	No. and Date	Issued by	Subject
179	S. O. 1201, dated 23rd April, 1962.	Ministry of Commerce & Industry.	Exempting the Indian Oil Company Limited, Bombay, from the provisions of section 6 of the said Act in respect of petrol sold by the company within the Union Territory of Delhi.
180	S. O. 1202, dated 23rd April, 1962.	Election Commission, India.	Fixation of place of polling and specifying hours during which the poll will be taken at the Vice-Presidential Election.
181	S. O. 1203, dated 23rd April, 1962.	Ditto.	Fixation of place of polling and specifying hours during which the poll will be taken at the Presidential Election.

Copies of the Gazette Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 9th April 1962

S.O. 1281.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Jena Lakshmidhar, Godigoth, P.O. Baragadla, Cuttack.	Jaipur

New Delhi, the 12th April 1962

S.O. 1282.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidate for election to the House of the People from the constituency specified in the corresponding entries in column 2 thereof, at the election held in 1962 have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any accounts of their election expenses* and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 on the expiration of two months from the date of the said decision.

SCHEDULE

Names of contesting candidates	Name of constituency
1	2
1. Shri Mohammad Ibrahim Khan, Bhumpura, Shujalpur, District Shajapur, (Madhya Pradesh)	Rajgarh.
2. Shri Ramdayal Singh, Pratap Press, Inderganj, Lashkar, (Madhya Pradesh).	Rajgarh.

[No. MP-P/29/62(19).1]

S.O. 1283.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account of his election expenses* and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Chunilal Baraik, Dhekiajuli Town, P.O. Dhekiajuli, District Darrang, Assam.	Darrang.

[No. AS-P/8/62(1).]

New Delhi, the 26th April 1962

S.O. 1284.—In pursuance of the provisions of sub-section (I) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 83, of 1962, presented to the Commission on the 10th April, 1962, under section 81 of the said Act, by Shri Yugal Kishore Sinha, son of Shri Sadhu Sharan Sinha, resident of village and Post Office Dumari, Police Station Majorganj, District Muzaffarpur, calling in question the election to the House of the People from the Sitamarhi constituency of that House of Shri Nagendra Prasad Yadav, son of Shri Hirala Rai, resident of Chakmahila, Post Office and Police Station Sitamarhi, District Muzaffarpur.

BEFORE:—

THE ELECTION COMMISSION, INDIA, NEW DELHI.

ELECTION PETITION No. 83 of 1962.

In the matter of

A petition under section 80 of the Representation of People's Act, 1951, (Central Act 43, of 1951);

AND

In the matter of

Election to the Lok Sabha from 12 Sitamarhi Parliamentary Constituency (Bihar);

AND

In the matter of

Sri Yugal Kishore Sinha, son of Sri Sadhu Sharan Sinha, aged about 63 years, resident of village and Post Office Dumari, Police Station Majorganj, District Muzaffarpur.—*Petitioner.*

versus

Sri Nagendra Prasad Yadav, son of Sri Hiralal Rai, resident of Chakmahila, Post Office and Police Station Sitamarhi, District Muzaffarpur.—*Opposite Party.*

The humble petition on behalf of the above named petitioner.

Most respectfully sheweth:—

1. That in pursuance of the notification published by Election Commission in accordance with provision of Section 30 of the Representation of People's Act (hereinafter to be called 'the Act') the petitioner and the opposite party filed nomination papers to fill the seat of Lok Sabha from 12 Sitamarhi Parliamentary Constituency along with 5 others.

2. That the poll in the said Constituency was held on the 18th, 21st, 23rd and 25th February, 1962.

3. That the counting of votes of the said Constituency took place on the 26th, 27th and 28th February, 1962, and the opposite party was declared elected as a member of the Lok Sabha from the said Constituency by the Returning Officer (District Magistrate), Muzaffarpur on 1st March, 1962.

4. That the said election is illegal and void inasmuch as on the date of the election the said Sri Nagendra Prasad Yadav, the returned candidate, the opposite party herein, was disqualified to be chosen to fill the seat under the Constitution of India and/or under the Representation of People's Act, 1951 within the meaning of clause (a) sub-section 1 of the Section 100 of this Act.

Because

(a) The said Sri Nagendra Pd. Yadav was holding an office of profit under the Government of Bihar and having a subsisting contract for the execution of the work undertaken by the Government of India on the day of election.

(b) On the 15th of September, 1958, the opposite party deposited Rs. 50 from his pocket and in person submitted an application enclosing chalan of Rs. 50 before the North Bihar Regional Transport Authority constituted by Bihar Government for a permit to run permanent stage carriage in the Muzaffarpur-Sitamarhi-Sursand Route in accordance with Notification No. 2382 NRT issued by the Authority and published in the Bihar Gazette, dated the 27th August, 1958.

(c) In 1952 and 1957 the opposite party attempted to obtain Congress ticket for contesting the General Election but without success.

(d) The opposite party filed the said application for permit in the name of his wife, Srimati Bidyabati Devi who lives joint in food and estate with the opposite party, with the ostensible purpose of circumventing the provision of law.

(e) On the 29th December, 1959, the opposite party personally appeared before the Authority and represented his case for the grant of a permit. There he pleaded, amongst others, a ground that he was a political sufferer and thereby succeeded in obtaining a permit.

(f) On the 23rd June, 1960, the opposite party again appeared personally before the Authority and pleaded for the grant of permit.

(g) The opposite party did not file at any stage any authority from Srimati Bidyabati Devi authorising him to represent her before the Authority.

(h) The Authority considering the representation made by the opposite party, specially the fact that he was a political sufferer, granted him the permit in the name of his wife, who was not a political sufferer.

(i) An appeal was preferred against the grant of the permit before Appellate Authority on the ground that she (opposite party's wife) had no finance to run the service, to which no satisfactory answer was given on her behalf.

(j) The opposite party deposited Rs. 20 from his own pocket in the Treasury and personally filled an application before the Authority enclosing R.C. book of 1960—Model Tata Mercedes—and treasury chalan worth Rs. 20.

(k) The stage permit bearing number 190/60 for plying bus in Muzaffarpur—Sitamarhi—Sursand route and to carry mails, if required, was issued on the 22nd July, 1960, for three years.

(l) The opposite party took delivery of the said permit, accepted the condition of the permit and started the bus business and continued carrying it on till the days of election and at no stage showed any intention to depart from the agreement of carrying mails.

(m) The opposite party obtained vehicle under hire purchase agreement which has been in his possession and control throughout.

(n) The opposite party personally supervised and managed the business of the bus bearing Registration No. BRF 2126, personally arranging after expenses and receiving payments and appropriating the income to his own benefit. The opposite party is really exercising control over the business.

(o) Srimati Bidyabati Devi, wife of the opposite party, has or had no funds or property or income of her own and has no business outside her domestic households. She had no accounts of her own and all the money required and spent over the business aforesaid was arranged by the opposite party.

(p) The opposite party was the real holder of the permit and the opposite party used the name of his wife as a benami transaction to evade the provisions of law. She was never intended to be the owner of the vehicle.

(q) The permit-holder holds his office at the pleasure of the State Government.

(r) The permit-holders make profit out of the rates fixed by the Government for carrying of passengers and goods.

(s) The opposite party as a permit-holder had entered into contract to carry mails, a Union Government undertaking, on payment made by the Government in course of his bus business and the same contract subsisted on the day of elections.

(t) The permit-holder has been assigned duties by the State Government and has to function under the directions of the Government issued from time to time.

5. That the counterfoil showing the statutory deposit of Rs. 2,000 is enclosed herewith.

Prayer

In the circumstances, the petitioner prays that, for the aforesaid grounds stated in the petition, the election of the opposite party, Sri Nagendra Pd. Yadav, to the Lok Sabha from the 12, Sitamarhi Parliamentary Constituency, be declared void.

New Delhi,

YUGAL KISHORE SINHA,

The 10th April, 1962.

Verification

I, Yugal Kishore Sinha, son of Sri Sadhu Sharan Sinha, by caste Rajput, by profession public service, resident of village Dumari Khurd, Post Office Dumari,

Police Station Majorganj, District Muzaffarpur, do hereby solemnly affirm and declare and verify at New Delhi on the 10th April, 1962:—

That I am the petitioner and I am conversant with the facts and circumstances leading to this application.

That I have read this petition and have understood the contents of the same.

That the paragraph Nos. 1, 2, 3, 4(c) (o) (p) (s) (t) and 5 are true to my knowledge, paragraphs Nos. 4(a) (b) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) are true to my information derived from various records and other sources which the petitioner believes to be true and the rest of the paragraphs are mere submissions.

New Delhi,

YUGAL KISHORE SINHA,

The 10th April, 1962.

[No. 82/83/62.]

New Delhi, the 27th April 1962

S.O. 1285.—In pursuance of the provisions of sub-section (1) of section 85 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 111 of 1962, presented to the Commission on the 10th April, 1962, under section 81 of the said Act, by Shri Sankari Prasad Ghosal, Village Bagila, P.O. Bagila, P. S. Memari, District Burdwan, West Bengal and Shri Narayan Chandra Ghosh, residing at Rashbehari Ghosh Road (South) Mahalla, P. S. & District Burdwan, West Bengal, calling in question the election to the House of the People from the Burdwan constituency of that House of Shri Gurugobinda Basu, residing at 16/4, Gariahata Road, Calcutta-19.

ELECTION PETITION NO. 111 OF 1962

PRESENTED TO THE ELECTION COMMISSION

1. Sankari Prasad Ghosal residing at P.O. & Vill. Bagila, P. S. Memari, Dist. Burdwan, State of West Bengal.
2. Narayan Chandra Ghosh residing at Rashbehari Ghosh Road (South) Mahalla, P. S. Burdwan, Dist. Burdwan, State of West Bengal—*Petitioners.*

Versus

1. Gurugobinda Basu residing at 16/4, Gariahata Road, Calcutta-19.
2. Subiman Ghosh residing at Shyamsagar Ghat, Burdwan, P.O., P.S. & Dist. Burdwan—*Respondents.*

The humble petition of Sankari Prasad Ghosal and Narayan Chandra Ghosh the petitioners abovenamed most respectfully sheweth:—

1. At all material times your petitioners were and still are citizens of India and were and are ordinarily resident of Burdwan, their actual places of residence being as follows:—

Namcs	Place of residence
1. Sankari Prasad Ghosal (Petitioner No. 1)	P.O. & Village Bagila, P.S. Memari, Dist. Burdwan, State of West Bengal.
2. Narayan Chandra Ghosh (Petitioner No. 2)	Rashbehari Ghosh Road (South) Mohalla, P.S. Burdwan, Dist. Burdwan, State of West Bengal.

2. The aforesaid places of residence of your petitioners were and are situated within the area which forms the No. 34, Burdwan Parliamentary Constituency (hereinafter referred to as the said constituency) in the last general elections held in February 1962.

3. At all material times your petitioners were and still are electors of the said constituency and their names are entered in the Electoral Rolls for the said constituency and they were entitled to vote in the said constituency at the last

general elections held in February 1962. Particulars of the position of the names of your petitioners in the Electoral Roll are as follows:—

PARTICULARS

Names	Positions
1. Sankari Prasad Ghosal (Petitioner No. 1)	Part 713 Serial No. 186 of Memari Assembly Constituency
2. Narayan Chandra Ghosh (Petitioner No. 2)	Part 117 Serial No. 188 of Burdwan Assembly Constituency

4. On or about 13th January 1962 public notice was given by the Returning Officer for the said constituency of the intended election *inter alia* to the House of People inviting nominations of candidates for such election. Amongst other persons the respondents herein presented nomination papers desiring to be nominated as such candidates to the House of People. The nominations of the respondents were accepted by the Returning Officer who duly prepared and published a list of valid nominations of the candidates containing the names of the respondents who were the only contesting candidates. Polling in the said constituency for the election of a member to the House of People from the said Constituency (hereinafter referred to as the said election) was held partly on the 19th February 1962, partly on the 20th February 1962 and partly on the 22nd February 1962. The respondents were the duly nominated candidates at the said election.

5. On or about 1st March 1962 (hereinafter referred to as the date of the said election) the result of the said election was declared by the Returning Officer and the respondent No. 1 was declared to have been elected as a member of the House of People from the said Constituency. The said contesting candidates were also declared to have secured the following number of votes:—

Name of Candidates	Votes Polled
1. Gurugobinda Basu (respondent No. 1)	1,55,485
2. Subiman Ghosh (respondent No. 2)	1,23,015

6. The petitioners are desirous of challenging the election of the respondent No. 1 to the House of People as void *inter alia* upon the grounds and by reason of the facts stated hereafter, and the petitioners state that they are persons competent to do so.

7. At all material times and in particular at the date of the said election, the respondent No. 1, being the returned candidate, held and still holds several offices of profit under the Government of India and the Government of West Bengal as will appear *inter alia* from the facts stated hereunder:—

PARTICULARS

A. (i) The Life Insurance Corporation of India (hereinafter referred to as the said Corporation) is a statutory body, being a Corporation established by and under the Life Insurance Corporation Act, 1956 (Act XXXI of 1956). The said Corporation consists of members appointed by the Central Government. The original capital of the said Corporation was provided by the Central Government. The said Corporation carries on life insurance business subject to rules, made or to be made, by the Central Government in this behalf. In fact the Central Government has the over all power of control and management of the said Corporation. In particular the accounts of the Corporation are audited by auditors appointed by the said Corporation with the previous approval of the Central Government. The remuneration of auditors so appointed is fixed by the Central Government. The auditors are to submit their reports to the said Corporation and are also to forward a copy thereof to the Central Government and all reports made by the auditors are to be laid before both Houses of Parliament including the House of People. The respondent No. 1, as a proprietor of and/or interested in the firm of Messrs. G. Basu & Company at all material times and in particular on the date of the said election held and still holds for remuneration the office of an auditor of the said Corporation with the prior approval of the Central

Government, such remuneration being fixed by the Central Government. In the premises the respondent No. 1 at all material times and in particular at the date of the said election, held and still holds, an office of profit under the Government of India.

(ii) A company known as Durgapur Projects Limited having its offices at New Secretariat Buildings No. 1, Hastings Street, Calcutta, is a Government company within the meaning of the Companies Act, 1956. The Central Government and/or the State of West Bengal holds not less than 51 per cent of the paid up share capital of the said company. In or about December 1961 the firm of Messrs. G. Basu & Company of and in which the respondent No. 1 at all material times including the date of the said election was and still is a proprietor and/or interested, was appointed by the Central Government (by order of and in the name of the President of India) to be one of the joint auditors of the said Durgapur Projects Limited. The said appointment continued and was existing on the date of the said election and is still continuing. The said appointment was and is for remuneration which has been or is to be fixed by the Central Government. In the premises the respondent No. 1 at all material times and in particular at the date of the said election held and still holds an office of profit under the Government of India and/or the Government of West Bengal and/or other States.

(iii) Similarly Messrs. G. Basu & Company at the date of the said election was the auditor of Messrs. Hindustan Steel Ltd., which is a Government Company within the meaning of Companies Act and as such on the relevant date the respondent No. 1 held and still holds an office of profit under the Government.

(iv) The West Bengal Financial Corporation (hereinafter referred to as the said Financial Corporation) is a statutory body incorporated under the provisions of the State Financial Corporations Act, 1951 (Act LXIII of 1951). The respondent No. 1 was nominated by the Government of West Bengal to be a member of the Board of Directors of the said Financial Corporation and he held and holds such office during the pleasure of the State of West Bengal. As such Director the respondent No. 1 is entitled to be paid remuneration and fees. The respondent No. 1 at all material times and in particular on the date of the said election was and still is a director of the said Financial Corporation nominated by the State of West Bengal. The State of West Bengal has subscribed to a major portion of the issued capital of the said Financial Corporation. In the premises the respondent No. 1 at all material times and in particular at the date of the said election held and still holds an office of profit under the State of West Bengal. In numerous pamphlets published and circulated at the instance of the respondent No. 1 and/or with his knowledge consent and connivance, it has been stated that the respondent No. 1 has connections with numerous Government institutions and organisations and/or departments. An original pamphlet is annexed hereto and marked "A". A copy of another pamphlet is annexed hereto and marked "B". Your petitioners are unable to give full particulars of all the Government institutions, organisations and/or departments with which the respondent No. 1 is connected as they are facts within the special knowledge of the respondent No. 1 but they call upon the respondent No. 1 to make full disclosures in respect thereof. Your petitioners fully believe that upon such disclosure it will be found that the respondent No. 1 holds various other offices of profit under the Central Government and/or State Governments which disqualify him from being a member of the House of People.

8. The election campaign of the respondent No. 1 was opened at a public meeting held at Burdwan on or about 1st October 1961 which was inaugurated by Dr. B. C. Roy, Chief Minister of West Bengal and in which the respondent No. 1 was present. At the said meeting the respondent No. 1 began to hold himself out to be a prospective candidate for the House of People from the said constituency. Thereafter the respondent No. 1 continued to hold himself out as such prospective candidate at numerous public and other meetings held at various places in the said constituency.

9. During the course of his election campaign the respondent No. 1 by himself and/or his agent or agents held and/or caused to be held and/or consented to the holding of numerous meetings in which the candidature of the respondent No. 1 was supported by means *inter alia* of speeches and pamphlets.

10. (i) One Tarapada Pal is the Government Pleader, Burdwan District Court and is a person in the service of the Government. One Rabindra Nath Bandopadhyaya is the Principal of M.B.C. Institute, Burdwan and is likewise a person in the service of the Government. The conditions of service of the said Rabindra Nath Bandopadhyaya *inter alia* provides that he is not to take part in any political activity. Appeals in the nature of pamphlets supporting the candidature of

the respondent No. 1 was published over the signatures *inter alia* of the said Tarapada Pal and Rabindra Nath Bandopadhyaya. One of such pamphlet is the annexure "A"* hereto.

(ii) Furthermore, at the time when the nomination papers of the respondent No. 2 were being scrutinised before the Returning Officer the said Tarapada Pal was present before the Returning Officer and was actively assisting the respondent No. 1 who was also present. Upon being challenged by the respondent No. 2 as to the authority of the said Tarapada Pal to be present or to render such assistance, it was stated by the respondent No. 1 as well as by the said Tarapada Pal that the said Tarapada Pal was the agent of the respondent No. 1.

(iii) In the premises, the respondent No. 1 and/or his agent and other persons with the consent of the respondent No. 1 and/or his election agent has obtained and/or procured or attempted to obtain assistance from the said Government servants for the—furtherance of the prospects of the election of the respondent No. 1.

11. The said appeal contained in the said pamphlet included in annexure "A"* hereto also contained the names of one Santosh Kumar Basu, Advocate as the President of the Burdwan Bar Association and one Radhagobinda Hati, Advocate, Secretary of the Burdwan Bar Association as the signatories thereof. Your petitioners state and submit that the impression sought to be conveyed by the said appeal to the effect that the appeal was being supported by the members of the Bar Association of Burdwan was and is entirely false. In fact the said Santosh Kumar Basu and said Radhagobinda Hati had no authority whatsoever to subscribe to the said appeal as the President and Secretary of or on behalf of the Bar Association, Burdwan. Furthermore, the said Santosh Kumar Basu never was nor is an advocate and his description as such was and is incorrect and false.

12. In the facts and circumstances stated hereinabove your petitioners state and submit that:—

- (a) At all material times and in particular on the date of his election, the respondent No. 1 was not qualified and/or was disqualified to be elected to the House of People as a member thereof, by virtue of the provisions of the Constitution of India and/or the Representation of the Peoples Act, 1951.
- (b) Various corrupt practices have been committed by the respondent No. 1 and/or his election agent and/or by other persons with the consent of the respondent No. 1 and/or his election agent.
- (c) The result of the said election in so far as it concerns the respondent No. 1 has been materially affected *inter alia* by corrupt practices committed in the interests of the respondent No. 1 by agents of the respondent No. 1 other than his election agent and by non-compliance with the provisions of the constitution and/or of the Representation of the Peoples Act 1951.

13. The respondent No. 2 at the said election has in fact received a majority of valid votes. In any event, but for the votes obtained by the respondent No. 1 as a result of the corrupt practices mentioned hereinabove the respondent No. 2 would have obtained a majority of the valid votes.

14. In the premises your petitioners pray that the election of the respondent No. 1 should be declared to be void. Furthermore your petitioners pray that the respondent No. 2 be declared to have been duly elected at the said election.

15. If necessary, your petitioners will furnish further details and give better particulars in respect of the statements made in the various preceding paragraphs after discovery and inspection or if required at the time of hearing.

16. Your petitioners have duly deposited a sum of Rs. 2,000 in the Government Treasury at Burdwan in favour of the Election Commission and the Government Treasury receipt showing such deposit is enclosed herewith.

Your petitioners, therefore, pray

- (a) that it may be declared that the election of the respondent No. 1 in the last general election held in February 1962 from the Burdwan Parliamentary Constituency to the House of People (Lok Sabha) is void.
- (b) that it may be declared that the respondent No. 2 has been duly elected at the said election.
- (c) that such other order and direction be given as to costs and otherwise as to the Election Tribunal may seem fit and proper.

And your petitioners, as in duty bound shall ever pray.

*Not published.

Verification

We, Sankari Prasad Ghoshal and Narayan Chandra Ghosh the petitioners above-named do declare that the statements contained in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10(i), 10(iii), 11 (excepting the second and third sentences thereof) 12, 13 and 16 are true to our knowledge and the statements contained in paragraph 10(ii) and the second and third sentences of paragraph 11 are based on information received from Sri Deb Ranjan Sen and believed by us to be true and those contained in 14 and 15 hereof are our submissions.

SANKARI PRASAD GHOSHAL

NARAYAN CHANDRA GHOSH

[No. 82/111/62.]

By Order,

K. K. SETHI, Under Secy.

New Delhi, the 12th April 1962

S.O. 1286.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Shiva Ram, Kayasth Sarai, Nagina, Bijnor, (U.P.).	Khurja

[No. UP-HP/78/62(1)/35015.]

S.O. 1287.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Names of contesting candidates	Name of constituency
1	2
1. Shri Inder Pal, Mohalla Isra, Gangoh, District Saharanpur (U.P.).	Kairana

1

2

2. Shri Prem Chand,
Mohalla Karach,
Jwalapur,
District Saharanpur,
(U.P.).

Kairana

[No. UP-HP/84/62(2)/35021.]

S.O. 1288.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Names of contesting candidates	Name of constituency
1	2
1. Shri Paras Ram, Garhi Malook No. 1, Saharanpur (U.P.).	Saharanpur
2. Shri Hardeva, Garhi Malook, Saharanpur (U.P.).	Saharanpur

[No. UP-HP/85/62(3)/35028.]

S.O. 1289.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Mam Raj, Village—Bhutol, P.O.—Jabera, District Saharanpur.	Saharanpur

[No. UP-HP/85/62(4)/35035.]

New Delhi, the 18th April 1962

S.O. 1290.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Lal Chand, C/o Amrit Weekly, Karnal, Punjab.	Karnal

[No. PB-HP/4/62(3)/35007.]

New Delhi, the 23rd April 1962

S.O. 1291.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge his accounts of election expenses within the time required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Lakshmi Prasad, Sadar Treasurer, Chandiyana, Fatepur, (U.P.).	Unnao

[No. UP-HP/19/62(7)/35655.]

S.O. 1292.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge his accounts of election expenses in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Nem Pal Singh, Village—Chandpur, Bulandshahr (U.P.).	Bulandshahr.

[No. UP-HP/79/62(5)/35689.]

S.O. 1293.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representative of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Saryu Prasad Misra, Kahstriya Boarding House, Deoria.	Sakempur

[No. UP-HP/43/62(8)/35738.]

S.O. 1294.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Shiv Acharya, Police Lines, Bulandshahr (U.P.).	Bulandshahr

[No. UP-HP/79/62(6)/35849.]

S.O. 1295.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Raghuvar Dayal, Ram Leela Ground, Talbehat, Uttar Pradesh.	Jhansi

[No. UP-HP/62/62(10)/35842.]

S.O. 1296.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Shibban Lal, 64 Moh. Main Bazar, Gorakhpur City	Hata

[No. UP-HP/41/62(9)/35911.]

S.O. 1297.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Ram Chander Singh, S/o Shri Raja Ram, Village Kharkali, P.O. Gharaunda, District Karnal.	Kaithal

[No. PB-HP/5/62(4)/35906.]

New Delhi, the 27th April 1962

S.O. 1298.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 74 of 1962, presented to the Commission on the 10th April, 1962, under section 81 of the said Act, by Shri Kidwai Husain Kamil S/o Shri Imtiaz Ali, Village and P.O. Masauli, District Barabanki, calling in question the election to the House of the People from the Bara Banki constituency of that House of Shri Ram Sewak Yadav, s/o Shri Ram Ghulam, House No. 127, Mohalla Rasoolpur, Nawabganj City, District Barabanki.

Presented to me by Shri Kidwai Husain Kamil, whose signature has been obtained in the margin and attested as having been signed before me this the tenth day of April, One Thousand Nine Hundred and Sixty-two.

Sd/- K. K. SETHI, Under Secy.

10-4-1962.

Election Commission, India.

Sd./- KIDWAI HUSAIN KAMIL
Attested

Sd./- K. K. SETHI, Under Secy.

10-4-1962.

Election Commission India.

THE ELECTION COMMISSION OF INDIA, NEW DELHI

Election Petition No. 74 of 1962 relating to the House of People Constituency No. 30, Barabanki, Parliamentary Constituency.

Election held from 21st February 1962 to 25th February 1962 in different Assembly Units of this Constituency in Barabanki and Gonda Districts.

Kidwai Husain Kamil, S/o Shri Imtiaz Ali, village and P.O. Masauli, Distt. Barabanki—*Petitioner*.

Versus

1. Yadav Ram Sewak, S/o Sri Ram Ghulam, House No. 127, Mohalla Rasoolpur, Nawabganj City, Distt. Barabanki.
2. Sri Krishna Das, S/o Sri Anrudh Das, Village Kusfar, P.O. Daryabad, Distt. Barabanki.
3. Krishna Bihari, S/o Sri Sri Bipin Bihari, Mohalla Naushera, Distt. Gonda.
4. Autar, S/o Sri Badloo, village Sarsaundi, P.O. Kheoli, Distt. Barabanki—*Respondents*.

The humble petition of the above-named petitioner, respectfully sheweth:—

1. That your petitioner was a duly nominated candidate at the Election detailed above and is entitled to present this petition to question the Election of Yadav Ram Sewak, Respondent No. 1, the declaration of whose Election was made by the Returning Officer on 28th February 1962, and the same was published in the Official Gazette of India 1962, dated 2nd April.

2. That the above respondents were also contesting candidates at the said Election.

3. That the election to the House of People was held in the following five Assembly Units between 21st February 1962 and 25th February 1962:—

- (i) 148 Nawabganj.
- (ii) 149 Kursi.
- (iii) 150 Bhitauli.
- (iv) 170 Sarju.
- (v) 171 Tarabganj.

4. That the counting was done in the said five units from 26th February 1962 to 28th February 1962 and it was declared that the following candidates secured votes as noted below against their names:—

(i) Kidwai Husain Kamil (Congress—Petitioner)	76,224.
(ii) Yadav Ram Sewak (Socialist) Respondent No. 1	76,545.
(iii) Sri Krishna Das (Jan Sangh) Respondent No. 2	38,602.
(iv) Krishna Bihari (Swatantra Party) Respondent No. 3	18,971.
(v) Autar (Communist) Respondent No. 4	13,134.

5. That the Returning Officer declared the Respondent No. 1 as elected by a majority of 321 votes.

6. That the petitioner submits that the election of Respondent No. 1 is void and liable to be set aside on the grounds mentioned below:—

- (A) That the Returning Officer wrongly rejected numerous ballot papers as invalid, which it is submitted were valid.
- (B) That the tendered votes are valid votes and should have been accepted and taken into account.
- (C) That there is a discrepancy between the total number of votes shown in forms No. 16 prepared by the Presiding Officers and forms No. 20 prepared by the Returning Officer.
- (D) That there are glaring mistakes in totalling *inter alia* as follows:—
 - (a) In the total of form No. 20 of 148 Nawabganj, the valid votes mentioned are 51,758 instead of 51,759.
 - (b) Again at Polling Station No. 25, Gadia of 148 Nawabganj, the total votes shown are 647, but the total of all the votes of various candidates works out to 637.
 - (c) Similarly, at Aseni Polling station No. 35 of 148 Nawabganj, the total votes shown are 614, but the total of all the votes obtained by all the candidates works out to 624.
 - (d) That in the Assembly Constituency, 149 Kursi, at Polling Station No. 92, Dewa, the total votes shown are 655, but the total of votes of all the candidates works out as 755.
- (E) That in form No. 20 of 30-Barabanki Parliamentary Constituency, which was the final result sheet, the number of rejected postal ballots were not shown nor the total of Postal ballots received was shown in the said form.
- (F) That numerous ballot papers bearing the requisite mark on the symbol allotted to the petitioner which clearly indicated the intention of the voters to vote for the petitioner were wrongly rejected on the ground that the mark was at the backside of the symbol. It is submitted that this constituted grave violation of the rules on the subject.
- (G) That the Returning Officer improperly rejected valid votes cast in favour of the petitioner.
- (H) That numerous ballot papers cast in favour of the petitioner were wrongly included in the bundles of Respondents.
- (K) That due to deficient supply of sealing ink, marks on some ballot papers, though not quite clear, yet clearly indicating the intention of the voters, were wrongly rejected as invalid by the Returning Officer.
- (L) That a serious irregularity in counting, that materially affected the result of election was attributable to the fact that a number of valid votes of the petitioner in various bundles were under-counted and in some instances, the number of votes in the bundle of Respondent No. 1 were over counted.
- (M) That numerous ballot papers cast in favour of the petitioner were mixed up with the ballot papers of the respondents and were wrongly counted as votes in their favour.
- (N) That the petitioner received majority of valid votes.

7. That the irregularities and the illegalities mentioned above materially affected the result of election and it is submitted that the non-compliance with the provisions of the Representation of the People Act, 1951, and of the rules and orders made thereunder, render the Election of Respondent No. 1, void.

8. That the counting in Barabanki and Gonda was done simultaneously on more than a dozen tables with the help of about 80 Assistants and the petitioner was allowed only four or five Counting Agents during the counting. It was, therefore, physically impossible for the Election Agent and the Counting Agents to note the particulars of the irregularities mentioned above. The particulars of

the aforesaid irregularities and illegalities can and shall be submitted only after inspection for which the petitioner shall in due course apply.

9. That an application was presented to the Returning Officer by the Election Agent of the petitioner on the 28th February, 1962 for a re-count before the result was declared. This application was, however, wrongly rejected.

10. That in some cases, the voters were not given the ballot papers for the Parliament. This happened at Polling Station Majgawan in Bhitauli Unit of 30—Barabanki Constituency and a complaint was also lodged before the Presiding Officer by Shubrati, Musheb, Zahoor and Masooma, the voters, that they were not given the Ballot papers for the Parliament by Sri Baji Lal Yadav, Polling Officer at Polling Station No. 29, Majgawan in Bhitauli Unit. Similarly, a complaint was filed by Sri Khateeb Mahmood, Polling Agent of the petitioner that Sri Naeem Beg, voter was not given ballot paper for the Parliament by Sri Ram Kripal Yadav, Polling Officer at Kursi Polling Station in Kursi Assembly Unit of the petitioner's constituency.

11. That the counting of Bhitauli Assembly Unit started at 9-00 A.M. on 28th February 1962 at Barabanki. The counting went upto about 8-30 P.M. The counting after 5-30 P.M. was continued in deficient and failing light in spite of repeated protests.

12. That the petitioner is confident that if the votes actually cast in favour of the petitioner are counted as votes of the petitioner and if the improperly accepted votes which have been counted in favour of other respondents are taken out, and if the ballot papers are correctly sorted, counted and bundled, the Respondent No. 1 will be found to have polled less votes as compared to your petitioner. The petitioner further submits that the result of the Election has been materially affected by the improper acceptance and refusal of votes and by the incorrect sorting, counting and bundling of ballot papers.

13. That the petitioner further submits that but for the irregularities and illegalities mentioned above, the petitioner would have been found as having received majority of valid votes and declared elected.

14. That in the circumstances set forth above, the valid votes in favour of the petitioner have been improperly rejected by the Returning Officer and that invalid and void votes in favour of the respondents have been accepted by the Returning Officer and that the counting was erroneous.

15. That in the circumstances narrated above, the petitioner submits that the present case is a fit case for general scrutiny and re-count.

16. That the petitioner sent a telegram on the 1st March, 1962 i.e. day following the night when the result of the election was declared, to the Election Commissioner, New Delhi, praying that the re-counting be done by an impartial staff. This was acknowledged by the Election Commission by a letter dated 5th March, 1962. The District Congress Committee, Barabanki, also sent a representation to the Election Commission to order Re-count.

17. That the petitioner has deposited as security, a sum of Rs. 2,000, the receipt of which is enclosed herewith.

Therefore, the petitioner prays that the election of Respondent No. 1, be declared to be void and the petitioner be declared to have been duly elected.

Dated;

The 6th April, 1962.

KIDWAI HUSAIN KAMIL,
Petitioner.

Verification

I, Kidwai Husain Kamil, petitioner verify that the contents of paras 1, 2, 3, 16 and 17 are verified to be true on his own knowledge and the contents of paras 4, 5, 6 A to N, 7, 8, 9, 10, 11, 12, 13, 14 and 15 are verified to be true on information received and believed to be true.

Verified this the 6th day of April, 1962, at Masauli, district Barabanki.

Dated;

The 6th April, 1962.

KIDWAI HUSAIN KAMIL,
Petitioner.

[No. 82/74/62.]

S.O. 1299.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 248 of 1962, presented to the Commission on the 12th April, 1962, under section 81 of the said Act, by Shri Gurdial Singh Dhillon s/o Shri Hazura Singh Dhillon, Patiala, calling in question the election to the House of the People from the Patiala constituency of that House of Shri Hukam Singh, 21-Ashoka Road, New Delhi.

Presented to me by Shri Gurdial Singh Dhillon whose signature has been obtained in the margin and attested as having been signed before me this the twelfth day of April One Thousand Nine Hundred and Sixty-two.

Sd./- K. K. SETHI,

Under Secretary,

Election Commission India.

Sd./- GURDIAL SINGH DHILLON,

Attested,

Sd./- K. K. SETHI,

Under Secretary,

Election Commission, India.

BEFORE THE ELECTION COMMISSION OF INDIA, NEW DELHI

ELECTION PETITION No. 248 of 1962

S. Gurdial Singh Dhillon s/o S. Hazura Singh Dhillon, resident of Patiala—
Petitioner.

Versus

S. Hukam Singh, former Deputy Speaker, Lok Sabha, 21-Ashoka Road, New Delhi.—*Respondent.*

Election Petition U/Ss. 80 and 81 of The Representation of People Act, 1951 challenging the election of S. Hukam Singh respondent from the Patiala Parliamentary Constituency, No. 21 (Punjab State).

The petitioner prays as follows:—

1. That the petitioner was a contesting candidate at the election of Patiala Parliamentary Constituency in February, 1962. Therefore, he is competent to file this petition.

2. That the polling took place in the entire Patiala Parliamentary Constituency on 24th February, 1962, and the counting took place from 25th February 1962, to 27th February, 1962, and the respondent was declared as duly elected member of Lok Sabha from Patiala Parliamentary Constituency on the same day.

3. That besides the petitioner and the respondent there was another candidate, namely, Shri Bansi Lal. All the contesting candidates secured votes as given below:—

(i) Shri Hukam Singh respondent (Congress candidate)	.. 154452
(ii) Shri Gurdial Singh Dhillon Petitioner (Akali Dal candidate)	... 146366
(iii) Shri Bansi Lal (Jan Sangh candidate)	... 32603
Invalid votes	... 9854

3. That the petitioner has deposited a sum of Rs. 2000.00 in the Treasury Patiala (State Bank Patiala) as costs for the petition, and a receipt for the same is enclosed herewith.

4. That the election of the respondent S. Hukam Singh is void on the following grounds:—

(1) (a). That there is a religious sect of the Sikhs known as Namdharis, with headquarters at Bheni Sahib, District Ludhiana (Punjab State), and its supreme spiritual head is Guru Jagjit Singh and his brother is Maharaj Bir Singh, and their place of residence is Shri Jiwan Nagar, District Hissar. This sect is a very well knit and well disciplined organisation and the followers of Shri Guru Jagjit Singh have implicit faith in him as their Guru (spiritual leader). As a part of their

organisation they have established *Subas* (Governors' equivalent) to carry out the *Farman* and behest of their spiritual Guru. There is a substantial number of Namdhari voters spread out in the entire Patiala Parliamentary Constituency. Dr. Dhian Singh is the General Secretary of the Namdhari Durbar and he resides at Samana (District Patiala). He is running a Weekly paper in Punjabi (Gurmukhi script) by the name "*Sacha Marag*", being issued from Samana and Delhi. That is their popular weekly paper in the Punjab, and it has got a sufficiently wide circulation. Dr. Dhian Singh is its proprietor, editor, printer and publisher, and the paper is actually being printed on his behalf at the National Printing Press, Patiala. He is also an active member of the Congress, and during the course of the election in question, he has been actively supporting the candidature of the respondent and has been working for him throughout the Constituency along with the respondent. The respondent S. Hukam Singh finding the contest very hard and realising the strength of Namdhari voters, made an approach to Guru Jagjit Singh and Maharaj Bir Singh to issue commands to their followers in the Constituency to vote for him, and as a result of this approach meetings were held at Samana, Doraha, Nabha etc., etc. The meetings at Samana and Nabha were held on or about 4th February 1962 and were addressed by Dr. Dhian Singh and S. Hukam Singh, where Dr. Dhian Singh told the audience that it was the command of their Guru that the Namdhari Panth must vote for the respondent, S. Hukam Singh, and every Namdhari should strive his best to enlist as much support of their friends and acquaintances as possible and the Namdharis who would not obey the command of their Guru, would incur his displeasure. The meeting at Doraha was held on or about 11th February, 1962, and there too Suba Gurbakhsh Singh, member Election Committee, Namdhari Durbar, communicated the same command of their Guru to the Namdharis.

(b) That the respondent S. Hukam Singh and his agent Dr. Dhian Singh with his consent got issued a *Farman* of Sri Satguru Jagjit Singhji Maharaj under the signatures of Maharaj Bir Singh to the voters of Namdhari Panth in the said "*Sacha Marag*" in its issue of 15th February 1962. The words: "Sri Satguru Jagjit Singh Ji Maharaj Da *Farman*" were printed in bold letters on the first page of the issue and it carried the photos of Sri Satguru Jagjit Singh and Maharaj Bir Singh on the left side and the photo of the respondent S. Hukam Singh on the right side and it also carried the photo of two bullocks with yoke on (the Congress election symbol).

The *Farman* read as follows:—

"In accordance with the desire (*Ichheya*) of Sri Satguru Jagjit Singhji Maharaj, the Namdhari voters of Patiala Constituency are being told that they are to make S. Hukam Singhji successful for the membership of Parliament (Lok Sabha) by casting their valuable votes in his favour. Besides this, they should make him successful by casting maximum votes for him by persuading their friends and acquaintances.

Sd./- MAHARAJ BIR SINGH,

Sri Jiwan Nagar, Zila Hissar.

17th Magh 2018."

This issue of "*Sacha Marag*" was as usual got printed at the National Printing Press, Patiala by its proprietor and editor, Dr. Dhian Singh, and it was published by him throughout the Constituency.

(c) That about 1500 copies of this issue of "*Sacha Marag*" were printed under the orders of the respondent and his agent Dr. Dhian Singh with his consent, while ordinarily only 500 copies of this paper were printed and published every week. These 1500 copies were freely distributed under their instructions throughout the Constituency and especially at places like Patiala, Nabha, Samana, Rajpura, Sarhind, Bhadson, Devi Garh, Doraha from 15th February 1962 to 22nd February 1962.

(d) That an election meeting was held at Devi Garh on or about 17th February, 1962 and was addressed by the respondent and his agent Dr. Dhian Singh with his consent and at that meeting Dr. Dhian Singh read out the contents of the *Farman* issued in "*Sacha Marag*" of 15th February 1962. A similar meeting was held at Rajpura on or about 18th February 1962 and there too Dr. Dhian Singh read out the same *Farman* issued in "*Sacha Marag*" and commanded the Namdhari voters to vote for the respondent. Another meeting was held at Doraha on or about 21st February, 1962 where too in presence of the respondent, Suba Gurbakhsh Singh (member of the Namdhari Election Committee) read out the same *Farman* and commanded the Namdhari voters to vote for the respondent.

(e) That the election offices of the petitioner and the respondent in Patiala were quite near to each other situated on the same road and the workers in both

the offices generally met each other and exchanged their notes regarding the election campaign. On the morning of 16th February 1962, the petitioner's worker, Shri Shangara Singh, got the news about the said issue of "Sacha Marag". On that he went to the respondent's office and as the respondent and some of his Namdhari workers were sitting in the office he came back and some time after that he again went there and got a copy of the said issue from the respondent's office, which he passed on to the petitioner. The same marked "A"* is enclosed herewith.

As the respondent and his agents and workers with his consent, as mentioned in para 4(1) [sub-para (a) to (e)] above, have directly or indirectly interfered or have attempted to interfere with the free exercise of the electoral right of casting votes by the Namdhari voters in the Patiala Parliamentary Constituency, therefore, they have committed the corrupt practice of undue influence.

(11) That the respondent his agents and workers with his consent have committed the corrupt practice of making an appeal to vote for respondent on the ground of religion and community for the furtherance of the prospects of respondent's election and prejudicially affecting the election of the petitioner as mentioned in Para 4(1) [sub-para (a) to (e) thereof] above.

(111) That the Returning Officers did not comply with the provisions of the Representation of People Act, 1951 and the rules made thereunder in conducting the counting of votes as mentioned below:—

That thousands of valid votes polled in favour of the petitioner were illegally declared invalid and invalid votes polled in favour of the respondent were illegally declared valid, and the number of such votes is so large that the result of the election in so far as it concerns the election of the respondent candidate has been materially affected.

That the ballot papers and the other relevant election record were not sealed by the Returning Officers immediately after the conclusion of the counting and the same were not deposited into the Government Treasury.

That the applications for recounting submitted by the counting agents of the respondent at all the counting centres were not considered and they were arbitrarily returned without passing any orders on them.

That the petitioner himself also submitted an application to the Returning Officer, Patiala Parliamentary Constituency, Patiala on 27th February 1962, for recounting of votes, but that too was rejected without assigning any valid reasons.

As the efforts of the petitioner for getting the election papers mentioned above deposited in Government Treasury have failed, therefore, he submitted an application to the Secretary, Election Commission, New Delhi on 12th March 1962 and he received a reply to that *vide* Election Commission's letter No. 61/PB/62/28163 dated 23rd March 1962 to the effect that the Returning Officer had been directed to deposit the election records in safe custody in the Treasury at Patiala. Even then, the Returning Officer did not comply with this order.

The petitioner had submitted telegrams and applications to the Chief Electoral Officer, Chandigarh and the Election Commission New Delhi regarding the non-compliance with the said provisions of the Act and the rules made thereunder.

As the above stated facts have materially affected the result of the election in so far as it concerns the election of the returned candidate, therefore, a re-examination and re-count of the ballot papers is prayed for.

5. That as the respondent, his agents and workers with his consent have committed the corrupt practices under section 123(2) and 123(3) of the Representation of People Act, 1951, and as the non-compliance by the Returning Officers with the provisions of the Representation of People Act, 1951 and the rules made thereunder have materially affected the result of the election in so far as it concerns the election of the returned candidate, therefore, it is prayed that the election of the

*Not printed.

respondent S. Hukam Singh from the Patiala Parliamentary Constituency of Punjab State held in February, 1962 be declared void and the costs of the petition be awarded against him.

The Petitioner,

S. GURDIAL SINGH DHILLON
s/o S. Hazura Singh Dhillon,
r/o Patiala (Punjab).
Through

S. SHAMSHER SINGH BEDI, Advocate,
Hoshiarpur.

ENCLOSURES:—

1. Treasury Receipt
for Rs. 2000.00 only.
2. Copy of "Sacha Marag" marked
"A".
3. Affidavit in Form 25.

Verification

I, S. Gurdial Singh Dhillon, the above named petitioner do hereby declare on solemn affirmation that the contents of Paras 1 to 3 of the petition are true and correct to the best of my knowledge and the contents of para 4 of the petition are true and correct to the best of my information and belief.

Verified at Hoshiarpur,

This 11th day of April, 1962.

GURDIAL SINGH DHILLON, Petitioner.
[No. 82/248/62.]

New Delhi the 30th April 1962

S.O. 1300.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 117 of 1962, presented to the Commission on the 11th April, 1962, under section 81 of the said Act, by Shiv Kumar, son of Shri Ram Chandra Singh, Madrak, Post Office Shahpur Madrak (U.P.) calling in question the election to the House of the People from the Aligarh constituency of that House of Shri B. P. Maurya, son of Shri Bipti Ram, Thapar House, Moris Road, Aligarh.

Sd/-

Shiv Kumar,
Signature
Attested

Sd/-

K. K. Sethi,
11-4-1962
Under Secretary,
Election Commission India.

Presented to me by Shri Shiv Kumar whose signature has been obtained in the margin and attested as having been signed before me this the eleventh day of April One Thousand Nine Hundred and Sixty two.

Sd./- K. K. SETHI,
11-4-1962
Under Secretary,
Election Commission, India.

BEFORE THE ELECTION COMMISSION, INDIA, NEW DELHI

ELECTION PETITION No. 117 OF 1962

In the matter of:

An election petition under Section 80 read with Section 81 of the Representation of the People Act, 1951 (amended upto date)

AND

In the matter of:

Election to the Parliament (The House of the People) from Aligarh Parliamentary Constituency No. 77, the date of the declaration of the Election being 1st March 1962.

AND

In the matter of:

Shri Shiv Kumar son of Ram Chandra Singh, Madrak, Post Office Shahpur Madrak (U.P.)—*Petitioners.*

Versus

1. Shri B. P. Maurya, son of Bipti Ram, Thapar House, Moris Road, Aligarh.
2. Shri Jagan Nath, son of Ram Parsad, Post Office Bareni, District Etah.
3. Jarrar Haider, son of Nisar Hyder, 173, Dhudpur, Yasin Manzil, Nagar Palika, Aligarh.
4. Shri Nahar Singh, son of Dharam Singh, Village and P.O. Kuarsi, Tehsil Koil, District Aligarh.
5. Shri Vasant Rao, son of Krishna Rao, c/o Sahu Laxmi Narain Ji, Delhi Gate, Aligarh—*Respondents.*

AND

In the matter of:—

- (a) Declaration of the Election of the Returned Candidate, Shri B. P. Maurya, respondent No. 1, to the Parliament from Aligarh Parliamentary Constituency No. 77 to be void, and
- (b) Declaration that the petitioner himself has been duly elected.

The humble petition of the above-named petitioner Most respectfully sheweth:—

1. That the humble petitioner is a citizen of India and is an elector to the Parliament of India, having been enrolled as such in 77-Aligarh, Parliamentary Constituency at No. 382 Koil (S.C.) Assembly Constituency part 387 serial No. 1422, and is fully qualified to be elected as a member of the Parliament. (The House of the People).

2. That the President of India by an appropriate notification published in the Gazette of India, called upon the Aligarh Parliamentary Constituency No. 77, amongst others to elect a member to the House of the People and the authorities fixed 19th, 21st and 25th February, 1962, fixed as the dates on which the poll was to be taken.

3. That the petitioner was not affiliated with any political party and filed his nomination paper duly filled in, as prescribed by the Representation of the People Act, 1951, and the Rules, thereunder.

4. That out of the opposite parties respondent No. 1 was selected as a candidate by the Republican Party of India, whereas the Respondents 2, 3 and 5 were selected by Rama Rajya Parishad, the Congress Party and the Swatantra Party respectively. Shri Nahar Singh, respondent, an Honorary Magistrate at Aligarh, was also not affiliated with any party.

5. That the respondents as well as Shri Bankey Lal and Shri Niwas filed their nomination papers duly filled in, as prescribed by the Act and the Rules thereunder.

6. That the nomination papers were scrutinised by the Returning Officer and were found in order.

7. That thereafter Shri Bankey Lal and Shri Niwas withdrew their candidature under Section 37 of the Act and the parties to this petition were left as "contesting candidates".

8. That the Election symbols of the petitioners and the respondents were as under:—

- | | |
|--|------------------------------|
| (i) Shri Shiv Kumar, petitioner | "Horse and Rider". |
| (ii) Shri B. P. Maurya, respondent No. 1 | "Elephant". |
| (iii) Jagan Nath, respondent No. 2 | "Rising Sun". |
| (iv) Jarrar Haider, respondent No. 3 | "Two Bullocks with yoke on". |
| (v) Nahar Singh, respondent No. 4 | "Bicycle". |
| (vi) Vasant Rao, respondent No. 5 | "Star". |

9. That the aforesaid Parliamentary Constituency comprises five state Assembly Constituencies and the polls in those constituencies were taken on three different dates, so the polling for the aforesaid constituency was also spread over three days.

10. That thereafter polling took place on 19th February 1962, 21st February, 1962, and 25th February 1962 and the votes were counted on 26th February and 27th February, 1962 and on such counting it was declared that the petitioner and the respondent polled votes as follows:—

Petitioner	70,546
Respondent No. 1 Shri B. P. Maurya	73,751
Respondent No. 2, Shri Jagan Nath	7,365
Respondent No. 3, Shri Jarrar Haider	37,148
Respondent No. 4 Shri Nahar Singh	34,029
Respondent No. 5, Shri Vasant Rao	19,493

11. That in the ordinary course of events the Returning Officer would have declared the result of the election on the 27th February, 1962, soon after the completion of the counting, but as he found that there had been no real electing in the constituency, he deferred the declaration till after there was a serious controversy and activity behind the curtain and declared on the 1st March, 1962, that the respondent No. 1 was the successful candidate.

12. That the constituency had not had a fair and free opportunity of electing the candidate whom the majority preferred and that by reason of irregularities the majority have been prevented from electing the candidate whom they prefer, is manifestly clear from the following facts:—

(a) Rule 5(1) of the Conduct of Election Rules 1961 provides for symbols for elections in Parliamentary constituencies and lays down as follows:—

“(1) The Election Commission shall, by notification in the Gazette of India specify the symbols that may be chosen by the candidates at elections in Parliamentary constituencies and the restrictions to which their choice shall be subject”.

(b) Election Commission, India, vide its notification No. S.O. 2316, dated the 19th September, 1961, published in Government of India Gazette laid down directions regarding the choice of symbols to be made by candidates and specified restrictions.

(c) The petitioner and the respondents chose their symbols in accordance with these rules and the ballot papers were to be printed in accordance with the rules and instruction of the Election Commission, India and on each of the ballot paper the names of the candidates and against each name the symbol chosen by that candidate were to be given.

(d) After the allotment of symbols to the parties to this petition a notification to that effect was published in the Gazette of India, Extraordinary, Part II Section 3 sub-section (ii), dated 5th February, 1962.

(e) The basic principle on which the selection of these symbols is provided is that the majority of electors in India are illiterate, that when the names of all the contesting candidates are shown on one ballot paper, there is a great possibility that majority of the electors may not be able to decipher the names of the candidates of their choice; and that, therefore, to facilitate them to find out the candidate of their choice a provision for a symbol for each candidate was made. In this way the electors were afforded an opportunity of free and fair election and a check against misleading them. Thus the provision regarding the symbols and their printing on the face of the ballot papers is neither a formality nor a triviality, but on the other hand is something substantial mandatory and absolute which must be carried out before the ballot paper is handed over to an elector and the failure of carrying out of which would be something calculated in reality to affect the result of the election. In fact without a proper ballot paper, there is no proper and effectual election.

(f) On the top of the official ballot paper the name of Jagan Nath candidate, with “Rising Sun”, as his symbol and at its bottom the name of Shiv Kumar petitioner with “Horse and Rider” as his symbol were to be provided.

(g) The Parliamentary Constituency No. 77 was divided into three parts for the purposes of holding elections and it was announced that the votes would be cast as below:—

Iglas	}	19-2-1962.
Tappal		
Koil cum Khair		
Koil reserved		21-2-1962.
Aligarh City		25-2-1962.

(h) The manner of printing ballot papers is simple. First a block is prepared and from that block papers are printed. In this case one block was prepared on which sub block of the symbol of the petitioner was not given against his name on the main block and from this incomplete and defective block about fifty thousand defective ballot papers were printed.

(i) Such ballot papers were issued on a large number of polling booths and in Nangla Padm Polling Station in Tappal Tehsil the defect was detected on 19th February 1962 and the Returning Officer conveyed the defect to the Election Commission, but inspite of this the polling which was to take place on 21st February 1962 and 25th February 1962 was not suspended and was carried on with the defective ballot papers, resulting into the failure of the Election Commission to provide a fair and free opportunity of electing a candidate whom the electors preferred. This was fraud on the electorate and the petitioner, and has materially effected the result of the election.

(j) The absence of the election symbol of the petitioner on the ballot papers provided a handle to the respondent No. 1, his agents and supporters with his consent to carry on a false propaganda, which they actually did on 19th February 1962 at all Polling Stations within the jurisdiction of Iglas, Tappal, Koil cum Khair areas, 20th February 1962 and 21st February 1962 at Koil reserved area and on 20th February 1962 to 25th February 1962 at Aligarh City Area, and which was to the effect that the petitioner had withdrawn his candidature and was not contesting the election and that, therefore, his symbol was not given on the ballot papers. This propaganda respondent No. 1 either believed to be false or did not believe to be true and was actually calculated to prejudice the prospects of the election of the petitioner and thus the respondent No. 1, was guilty of a corrupt practice under section 123(4) of the Representation of the People Act. This misled several thousand illiterate electors in their failure to exercise their right of franchise. This is evidenced by letters, *Annexures A, B, C, D, E, F, G, H, J and K.

(k) The petitioner received several letters from electors conveying the amount of incalculable harm which was being caused to his chances and prospects of the election due to the defective ballot papers and as the election fever was at its height and the public meetings, speeches, propaganda etc. were banned he had neither chance, nor time, nor money, nor means, to dispel away the general impression that was created in the Constituency and the direction of the Rules were so departed from as to mislead the electors from exercising their right of franchise in favour of the candidate of their choice.

(l) That in all there were about 4,73,000 votes out of whom 2,55,696 have voted and the votes cast in favour of the petitioner and the respondent No. 1 are as follows:—

Petitioner	70,546
Respondent No. 1	73,751

As compared with the total number of votes cast the difference between the votes cast in favour of the petitioner and those in favour of the respondent No. 1, is so small that but for the defective ballot papers and the mischievous propaganda, the petitioner would have come out successful with a large majority. Thus the election of respondent No. 1 is void:—

(a) Under Section 100(d)(iv) of the Representation of the People Act, 1951 (amended upto date) for the result of the election so far it concerned the returned candidate was materially affected for non-compliance with the provision of the rules and the Act, and

(b) Under Section 123(4) because the respondent No. 1, his agents and supporters with his consent carried on a false propaganda which he

*Annexures A, B, C, D, E, F, G, H, J and K not published.

either believed to be false or did not believe to be true, which was to the effect that the petitioner had withdrawn his candidature and was not contesting the election and that, therefore, his symbol was not printed on the ballot papers. The Communist Party was amongst the supporters of the respondent No. 1 following a pact between them.

13. That before the declaration of the result of the election the petitioner had made an application to the Returning Officer for "Recount" but the same was refused. If "Recount" had been made it would have made it clear that there were many ballot papers which had not the symbol of the petitioner printed on them and they should not have been considered as wasted or rejected votes; that there were other ballot papers which were validly cast in favour of the petitioner, but were illegally rejected and that there were still other votes which were invalid and void and were illegally and improperly received in favour of the respondent No. 1. Therefore a "Recount" is necessary now and its result would be in favour of the petitioner. Thus the petitioner is entitled to a declaration that he, himself, is duly elected.

14. That in order to find out the number of ballot papers with the symbol of the petitioner not printed on them, the used ballot papers i.e., challenged votes, tendered votes, rejected votes, valid votes and unused ballot papers need an inspection, which may kindly be granted with due regard to the provisions of the Act and the Rules thereunder.

15. That for the reasons above mentioned, it is submitted that the entire election to the House of the People from the 77-Aligarh Parliamentary Constituency is no election in the eye of law and is void *ab initio*. Moreover due to non-compliance with the provisions of the Representation of the People Act, 1951, and the rules and orders made under the said Act, the result of the election, in so far as it concerned respondent No. 1, the returned candidate, has been materially affected.

16. That the petitioner as required u/s 117 of the Representation of the People Act, 1951, has on 3rd April 1962 deposited two thousand rupees in favour of the Election Commission India, in the Government Treasury, Aligarh, as security for the costs of the petition. The original Treasury Receipt is annexure 'L'.

17. In the premises aforesaid, it is prayed that this petition be referred to an Election Tribunal for trial and for orders for the following reliefs:—

- (a) Declaration that the Election of the Returned Candidate *viz.* respondent No. 1, Shri B. P. Maurya is void.
- (b) Declaration that the petitioner himself has been duly elected.
- (c) Direction for the inspection of the ballot-challenged votes, tendered votes, rejected votes, valid votes and the unused ballot papers.
- (d) Declaration that because of the Commission of a corrupt practice under Section 123(4) of the R.P.A. the respondent now, has entailed disqualification for Membership of the Parliament and of the Legislature for every State in the Union of India for six years under Section 140 of the Representation of the People Act.
- (e) Directing the respondents to pay to the petitioner the costs and incidental expenses to this petition.
- (f) Any other relief, which the Tribunal may deem fit, under the circumstances of the case.

Shiv Kumar, son of Ram Chander Singh, Madrak, Post Office Shahpur, Madrak.

Petitioner,

through

(Shri Mehar Singh Chadha)

and

(Shri Som Nath Marwaha)
Advocates.

Verification

I, Shiv Kumar, petitioner, herein above verify that whatever has been stated in the above petition in paras 1 to 9 and 16 is true to my knowledge and contents of paras 10 to 15 are verified as true to the best of my knowledge and upon information received and believed to be true and the rest are submissions.

Verified at Delhi, this 10th day of April, 1962.

SHIV KUMAR,
Petitioner.

SCHEDULE 'M'

Particulars of the corrupt practice

(1) The absence of the election symbol of the petitioner on the ballot papers provided a handle to the respondent No. 1, his agents and supporters with his consent to carry on a false propaganda which they actually did on 19th February 1962 at all polling stations within the jurisdiction of Iglas, Tappal, Koil cum Khair area, 20th February 1962 and 21st February 1962 at Koil Reserved area and on 20th February 1962 to 25th February 1962 at Aligarh City area, and which was to the effect that the petitioner had withdrawn his candidature and was not contesting the election and that, therefore, his symbol was not given on the ballot papers. This propaganda respondent No. 1 either believed to be false or did not believe to be true and was actually calculated to prejudice the prospects of the election of the petitioner and thus the respondent No. 1 was guilty of a corrupt practice under Section 123(4) of the Representation of the People Act. This misled several thousand illiterate electors in their failure to exercise their right of franchise. This is evidenced by letters, Annexures A, B, C, D, E, F, G, H, J and K.

(2) The petitioner received several letters from electors conveying the amount of incalculable harm which was being caused to his chances and prospects of the election due to the defective ballot papers and as the election fever was at its height and the public meetings, speeches, propaganda etc. were banned he had neither chance nor time, nor money nor means to dispel away the general impression that was created in the Constituency and the direction of the rules were so departed from as to mislead the electors from exercising their right of franchise in favour of the candidate of their choice.

Verification

Verified that the contents of this document are true to the best of my knowledge and upon information received and believed to be true.

Verified at Delhi this 10th day of April, 1962.

SHIV KUMAR,
Petitioner.

[No. 82/117/62.]

New Delhi, the 1st May, 1962

S.O. 1301.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 202 of 1962, presented to the Commission on the 12th April, 1962, under section 81 of the said Act, by Shri Ajit Singh s/o Shri Sajjan Singh, village Margindpura, P. S. Bhikhiwind—Zail Dialpura, Tahsil Patti, District Amritsar, calling in question the election to the House of the People from the Tarn Taran constituency of that House of Shri Surjit Singh Majithia s/o Shri Sunder Singh Majithia, Majithia House, Albert Road, Amritsar.

Presented to me by Shri Ajit Singh whose signature has been obtained in the margin and attested as having been signed before me this the twelfth day of April, One Thousand Nine Hundred and Sixty-two.

Sd./- K. K. SETHI, Under Secy.
Election Commission India.

Election Petition No. 202 of 1962
Before the Election Commission, New Delhi

Ajit Singh son of Sh. Sajjan Singh, resident of village Margindpura, P.S. Bhikhiwind—Zail Dyalpura, Tehsil Patti, Dist. Amritsar.—*Petitioner.*

versus

Sh. Surjit Singh Majithia son of Sh. Sunder Singh Majithia, Majithia House, Albert Road, Amritsar.—*Respondent.*

Election petition under sec. 81 of the Representation of Peoples Act, 1951, read with sec. 100 of the said Act for declaring the election of the respondent (the returned candidate) to the House of People from Tarntaran Parliamentary Constituency to be void.

Sir,

It is respectfully submitted as under:—

1. That the petitioner is an elector duly entered as a voter at serial No. 2811, of vill. Margindpura in Zail Dyalpur, Thana Bhikhiwind of Khaira Assembly constituency of the Punjab Legislative Assembly which falls in Tarntaran Parliamentary Constituency and as such is entitled to file this election petition against the Returned candidate (Respondent) from the Tarntaran Parliamentary Constituency.

2. That the election of the House of People from Tarntaran Constituency was held on 24th February, 1962 in which the respondent was declared successful on 28th February, 1962.

3. That the election of the respondent as a Returned candidate to the House of People from Tarntaran Parliamentary Constituency is void on account of the commission of the following corrupt practice:—

(a) That the Respondent (the Returned candidate) obtained and procured the assistance for the furtherance of the prospects of his election from Sh. Sadhu Singh son of Sh. Lakha Singh of village Khambo, Tehsil Zira, Distt. Ferozepur, in the Service of the Government as member of the Armed Forces of the Union and is posted as a sepoy no. 10,27,780 (Sowar) 62 Cavalry c/o 56 A.P.O. The said Sh. Sadhu Singh was duly appointed as a polling agent of the respondent and acted and attended at police station No. 53 at Government Primary School, Thatha, Tahsil Patti, when the poll was held on 24th February, 1962. This appointment of the said polling agent Sh. Sadhu Singh a member of the Armed forces of the Union was duly made by Sh. Bishen Singh son of Inder Singh, r/o Rai chak c/o Majitha House, Amritsar, the election agent of the respondent. Full particulars of the corrupt practices are given in schedule 'A' enclosed herewith.

4. That the petitioner has deposited Rs. 2,000 as security for the costs of this petition as required under sec. 117 of the Representation of the People Act, 1951. The receipt of which is enclosed herewith.

5. It is, therefore, respectfully prayed that the petition be accepted with costs by declaring the election of the respondent (the Returned candidate) to the House of the People from Tarn Taran Parliamentary constituency (in the state of the Punjab) to be void.

PETITIONER,

Ajit Singh son of Sajjan Singh,
Margindpura, Zail Dyalpur, Thana Bhikhiwind,
Tehsil Patti, Distt., Amritsar.

AJIT SINGH.

Dated 11th April, 1962.

Verification

The above-named petitioner does hereby verify that the contents of paras 1 to 4 of this petition are true and correct to the best of the petitioner's knowledge and belief. Para No. 5 is a prayer clause. Verified at Jullundur this 11th day of April, 1962.

Ajit Singh, Petitioner.

AJIT SINGH,

Dated 11th April, 1962.

I attest that this is true copy of the original petition.

BEFORE THE ELECTION COMMISSION, NEW DELHI.

Ajit Singh son of Sh. Sajjan Singh resident of village Marginpura, P. S. Bhikhiwind, tehsil Patti, District Amritsar.—*Petitioner.*

versus

Sh. Surjit Singh Majithia son of Sh. Sunder Singh Majithia, Majithia House, Albert Road, Amritsar.—*Respondent.*

Election petition under sec. 81, of the Representation of Peoples Act, 1951, read with sec. 100 of the said Act for declaring the election of the respondent (the returned candidate) to the House of People from Tarntaran Parliamentary Constituency to be void.

SCHEDULE 'A'

Sir,

It is respectfully submitted as under:—

1. That the respondent appointed Shri Bishen Singh son of Inder Singh of Rai Chak c/o Majithia House, Amritsar as his election agent for the election in dispute.

2. That said Bishen Singh obtained and procured the assistance of Sh. Sadhu Singh a Government servant (member of the Armed Forces of the Union) serving as a sepoy No. 10,27,780 (Sowar) 62 Cavalry c/o 56 A.P.O. for the furtherance of the prospects of the respondent's election by appointing him as a polling agent at Polling Station No. 53 at Government Primary School, Thatha where the polling agent acted and attended the poll on 24th February, 1962.

3. That the petitioner was the polling agent of Sh. Gurwaryam Singh an independent candidate from the Khaira Assembly Constituency and Mohan Singh son of Santa Singh of Thatha was the polling agent of Sh. Narain Singh a congress candidate for the said Assembly Constituency. Both of them besides the polling officers and the voters who came to cast their votes in the Polling Station witnessed the said Sh. Sadhu Singh acting as Polling agent of the respondent. The names of some of the voters are

- (1) Harpal Singh son of Mohan Singh of Thatha.
- (2) Smt. Gurdeep Kaur w/o Mohan Singh of Thatha.
- (3) Sh. Geja Singh son of Roda Singh of Thatha etc., etc., and
- (4) Suchha Singh Ex-member, Panchayat, Thatha.
- (5) Kapur Singh member panchayat, Thatha and several others who will be produced at the enquiry of the trial.

Petitioner,
AJIT SINGH.

Verification.

Verified that the contents of the above petition are true to the best of my knowledge and belief. Verified at Jullundur this 11th day of April, 1962.

Ajit Singh, Petitioner.

I attest that this is the true copy of the Schedule attached to the original petition.

AJIT SINGH,
[No. 82/202/62.]

By Order,

C. B. LAL, Under Secy.

New Delhi, the 23rd April 1962

S.O. 1302.—In exercise of the powers conferred by sub-section (1) of section 13C of the Representation of the People Act, 1950, the Election Commission hereby cancels its notification No. 429/18/61, dated the 1st December, 1961.

[No. 429/18/62.]

New Delhi, the 25th April 1962

S.O. 1303.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Mysore, hereby nominates Shri T. J. Ramakrishnan, I.A.S., as the Chief Electoral Officer for the State of Mysore with effect from the date he takes over charge and until further orders.

[No. 154/9/62.]

By Order,

PRAKASH NARAIN,

Secy. to the Election Commission.

New Delhi, the 26th April 1962

S.O. 1304.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 66 of 1962, presented to the Commission on the Ninth April, 1962, under section 81 of the said Act, by Shri Muthiah, son of Shri Mayandi Thevar, residing at Sankarapuram, Periyakulam Taluk, Madurai District, Madras State, calling in question the election to the House of the People from the Periyakulam constituency of that House of Shri Malaichamy Thevar, son of Maharaja Muthuveera Thevar, residing at Karunkattankulam, Chinnamanur, Periyakulam Taluk, Madurai District, Madras State.

Received by Registered Post this the ninth day of April, One Thousand Nine Hundred and sixty two.

Sd/-

PRAKASH NARAIN, Secy.

BEFORE THE ELECTION COMMISSION, NEW DELHI

ELECTION PETITION No. 66 OF 1962.

BETWEEN

Petitioner:

Muthiah

AND

Respondents.

1. Malaichamy Thevar;
2. N. Ponnusamy;

Election Petition humbly presented by the above-named petitioner most respectfully sheweth:—

I. Petitioner:—

Muthiah, son of Mayandi Thevar aged 48, residing at Sankarapuram, Periyakulam Taluk, Madurai District, Madras State.

The address for service of all summons and notices on the above-named petitioner is as stated above.

II. Respondents:—

- (1) Malaichamy Thevar, son of Maharaja Muthuveera Thevar, residing at Karunkattankulam, Chinnamanur, Periyakulam Taluk, Madurai District, Madras State.
- (2) N. Ponnusamy, son of Nallalagirisamy Chettiar, residing at Door Number 290, 14th Ward, Cumbum, Periyakulam Taluk, Madurai District, Madras State.

III. An election was held on 19th February 1962 for the election of a member to represent the Periyakulam Constituency in the Lok Sabha. The said Constituency was comprised of five Madras State Assembly Constituencies, viz, Uthamapalayam, Bodinaickenur, Theni, Kodaikanal, and Andipatty (Reserved).

IV. The petitioner and the respondents were the contesting candidates at the election. A total of 3,10,868 votes were polled. The 1st respondent secured 1,46,829 of the votes accepted as valid. The petitioner 1,43,930 and the respondent 12,357. The Returning Officer rejected as many as 7,752 votes as invalid. The 1st respondent was declared to have been duly elected on 27th February 1962.

V. The first respondent was the Official Candidate of the Congress Party—The Ruling Party—and as such he had the sympathy and assistance of some of the Officers of the Government, and was in a position to obtain and procure the Assistance of many Government Officers.

VI. The Returning Officer had employed as many as 3,750 persons either as Polling Officers or clerks or in other capacities on "Election Duty". The Returning Officer himself appoints such person to their respective Election Duties, gives them the necessary training and instructions. It is the Returning Officer himself that posts them to Particular Booths or Polling Places in the constituencies. Part II of the Conduct of Election Rules, 1961, provides for the issue of Ballot Papers to such "voters on election duty." Rule 20 provides for an application in Form 12 to be made by the "voters on election duty". It is provided that the Returning Officer shall issue Ballot Papers to him. It has also to be mentioned that it is the Returning Officer that supplies to persons selected by him to assist in "election duty", applications in Form 12 for being fully filled up and delivered. It is learnt that all such voters on election duty numbering 3,750 made such applications to the Returning Officer. But no Ballot Paper was issued to any of them, in the whole of the Periyakulam Constituency. Ballot Papers were refused to be issued for these 3,750 voters. Persons entitled to vote have been prevented from exercising their franchise. It is submitted that an illegality has been committed in setting at naught mandatory provisions of the Rules forcibly preventing these persons from voting. Very large number of these persons had promised their support to the petitioner during the days of canvassing and were expected to give their votes to him. Whatever that may be, the number of persons who were denied their electoral right exceeded the difference between the votes secured by the first respondent and the petitioner. It is also learnt that large numbers of Ballot paper had been supplied in a lump to Police Officer on duty in fragrance of the Rules and Circular Orders. The results of the election so far as the Returned Candidate is concerned have been materially affected.

VII. The Counting of votes took place on 27th February 1962 and as many as 7,752 votes were rejected as invalid. It may be mentioned that the Ballot Papers had been printed for three candidates with the symbols allotted to them opposite to their names. They were printed in the following order from the top.

- | | |
|-----------------------|-----------------|
| (1) Ponnusamy | Elephant. |
| (2) Malaichamy Thevar | Yoked Bullocks. |
| | and |
| (3) Muthiah | Tree. |

There was a sufficiently broad border enclosing symbols. The procedure was to seal with a Rubber Stamp, Circular in shape provided by the Polling Officers in such a way as to indicate the Candidate for whom the vote is cast. Votes cast in favour of the petitioner were rejected on one or other of the following grounds:—

- (a) The impression places in the tree which had been printed as if the tree had dense foliage was somewhat faintly impressed, perhaps as the ink on the stamp had been exhausted or dried up. Even though faint and the mark was found placed against the dense foliage in the picture, the mark was clearly discernable. But the counting Officer took an unreasonable attitude and declared such votes to be invalid and rejected them. It has to be stated that papers with such similar faint impressions placed on the yoked Bullocks were allowed as valid. There has thus been both improper rejection of votes as well as discrimination.
- (b) In many cases the Rubber Stamp Mark was placed when the ink on the stamp was ample or in excess and quite fresh and profuse.

It clearly indicated that the vote was cast against the tree. The voters not properly educated or instructed folded the paper crosswise instead of lengthwise. The result was that the still wet mark placed against the tree made faint smudges against the elephant mark. But the mark against the tree was quite clear and distinct. These votes also were declared to be invalid. In some cases, the such votes were declared as made for the elephant though the clear mark was against the tree with only a smudge against the elephant and this reduced the number of votes received by this petitioner.

- (c) In some instances the full circle would not be found on the papers. There was only an 'arc' or a portion of the whole circle. In some cases the 'arc' was near the border but there was no doubt as to whom the vote indicated, especially having regard to the shape of the 'arc' and the manner of placing it showing how the full circle if completed would have been made. Such votes were also declared invalid but the same rule was not consistently adopted in the case of the other candidates. In particular similar votes cast in favour of Congress Candidate the yoked Bullocks was allowed as valid. By this kind of discrimination and biased view the number of votes in favour of the petitioner was reduced while at the same time those in favour of the first respondent was fully counted. The Agents of the petitioner, present at the counting immediately protested against this irregularity and discrimination but were met with a defiant statement by the Returning Officer. A High Officer of the Government, that if there was any grievance there was a remedy in an Election petition. The petitioner estimates that the total number of votes cast in his favour wrongly rejected and declared to be invalid at more than 3,500. There has also been discrimination in that votes were allowed in favour of the Returned Candidate when exactly similar votes in favour of the petitioner were rejected. Such discriminatory action and disregard of the rules and instructions had tended to increase the number of votes for the returned candidate and reduce those of the petitioner.

VIII. Some of the Counting Officers taking advantage of the lateness of the hour the fact that attention of the agents was otherwise directed and other similar circumstances bundled up along with the votes for the yoked Bullock votes not cast for the Yoked Bullock. In fact one such instance was brought to the notice of the Returning Officer and then rectified but other instances were ignored and no action was taken.

IX. Further in a large number of about 400 votes cast in the Uthamapalayam Constituency and the Bodinaickenur Constituency the stamp mark was plainly visible at the Back. In many instances the mark itself was placed at the back of the Ballot Paper opposite to the Yoked Bullock. In some instances the mark was made in such a manner that the ink will seep through and show on the outside (Back side) evidently this ruse was adopted to get round the rule regarding the secrecy of Ballot. In any event these papers should have been rejected as offending the rule of the secrecy of Ballot. But all such papers were accepted by the respective Officer as valid and allowed. Immediately after the counting and before declaration of the results the petitioner presented a request in writing for a re-count but the same was rejected.

X. On occasions in several Booths the Candidate himself or his Polling agent got the Ballot Paper from the voter and placed them in box himself. This practice was adopted to ensure that particular voters voted for the Congress Candidate. It clearly offends the rule of the secrecy of the Ballot. Protests were of no avail. In one instance at any rate the act of such an open and flagrant violation of the Rules that even the Polling Officer had to note in his report that Ballot Paper Number 3,45,942 was put into the box by the Candidate himself. These and other irregularities, discrimination disregard of and non-compliance with the Rules mentioned above have considerably increased the votes in favour of the returned candidate and, reduced that in favour of the petitioner and materially affected the results.

XI. The petitioner submits that the non-compliance with the Rules and instructions and other irregularities have at least cumulatively, materially affected the results of the election so far as the returned candidate was concerned.

XII. One Sri A. S. Subbaraja of Bodinaickenur was a candidate for the Madras State Assembly Constituency of Bodinaickenur which was part of the Periyakulam Parliament Constituency. The respondent and A. S. Subbaraja were the

respective Official Candidates put up by the Congress Party and as such both were working together in the matter of elections. In fact electioneering work in the entire area Constituting the Bodinaickenur Assembly Constituency was mainly under the control of the said A. S. Subbaraja who worked not only for himself but also for the respondent. The said Subbaraja has influence over the second respondent and therefore induced the latter to stand and continue to stand as a candidate for the Parliamentary Constituency with a view to draw away the votes from the petitioner. Even then some respectable persons intervened and tried to make the second respondent withdraw from the contest as he was not a rich man. On 20th January 1962 the first respondent, one O. Ramasamy Chairman, of Cumbum and some other Congress workers met the second respondent in his house and offered in general terms to meet all the 2nd respondent's election expenses and in addition offered to give financial and other assistances to the 2nd respondent for his business after the elections were over. By such offer second respondent was induced not to withdraw from the contest but to continue to stand. The said Ponnusamy obtained 12,357 votes at the election. The petitioner submits that these non-Congress Party votes which would otherwise have been cast in favour of the petitioner had substantially reduced his votes and prevented him from getting the majority of votes. Thus the results of the election have been materially affected.

XIII. On the polling day, 19th February 1962 at about 9 a.m. there was brisk polling at Sillamarathupatty. A very large number of voters were queued up in front of the Polling Booths. One V. M. Rengasamy Gounder of the said village is a "Kambli Gounder" i.e., he is a religious head for the Villagers. The villagers have great faith in him and believe that his blessings or curses will be very effective and on the very date of polling in front of the Polling Booth he was exhorting the villagers to vote only to the Yoked Bullock and threaten them that their Deity "Jakkammah" would visit the dire consequences on those who disobeyed, their family, their cattle, and their possessions. He was so doing with the consent of the first respondent who was the Congress Candidate with the Yoked Bullock as his symbol. This is prohibited under Section 123(2) of the Act.

XIV. One P. A. K. Veerakamakshi Chettiar was a Chief Election Agent of Sri R. Subbiah, B.A., B.L., a Candidate for the Assembly Constituency of Bodinaickenue. The Petitioner and the said R. Subbiah were helping each other and working together in the matter of the elections. As such Veera Kamakshi Chettiar was the chief worker for the petitioner also in the area. During his tour round the Constituency on 19th February 1962, the Polling day, he went to Sillamarathupatty at about 9 A.M. when he witnessed the incident narrated in para XIII above. He protested against it. Immediately Thirumalaisamy Chettiar, a worker for the first respondent threatened to beat Veerakamakshi Chettiar with a shoe. The Head Constable of the Bodinaickenur Police Station well known to Sri A. S. Subbaraja and under his influence in sympathy with the Congress Candidates arrested Veerakamakshi Chettiar also though he was innocent and the real offender was the first respondent's worker. Veerakamakshi Chettiar was kept under detention in spite of his protest. Some time later Sri A. S. Subbaraja and one of his Chief workers went there and had talks with the said Head Constable and the Sub Inspector of Police on Election duty. Veerakamakshi Chettiar was asked to work merely as a polling agent at that Booth. Since he refused he was kept under custody till about 3-30 p.m. Then alone he was released. The Head Constable and the Sub Inspector really acted in the interests of the Congress candidates and with their consent. This incident resulted in actual intimidation of the voters who were scared away from freely exercising their votes. The petitioner was also deprived of the services of an influential worker in an area consisting of more than one hundred Booths.

XV. The Constituency comprises several villages which are situate some distance away from the actual respective Polling Booths. The respondent and the respective Assembly Candidates acting together employed a large number of motor vehicles on the polling date to carry voters from their respective places to the Polling Booths. Particulars of the vehicles employed are detailed in Schedule I hereunder.

XVI. There has been wholesale bribery in the matter of inducing voters to vote. It has to be stated that the Congress Party had openly levied contributions from many traders and businessmen for expenses in connection with elections. A good portion of these monies were distributed among the Constituencies and were utilised for the purpose of bribing voters. In many cases lump sums were paid to certain Chief or influential men for the purpose of effectively inducing the voters to vote and seeing that they vote for the Congress Party and their

Candidate for the respondent. Such particulars as are known to the petitioner are mentioned in Schedule II hereunder.

XVII. As stated already the Congress candidates including the first respondent could and did have the Assistance of Government servants in the matter of the election. Muthumani of Servaichavadi is a Teacher in the Chinnamanur Panchayat Union Elementary School is influential person. The first respondent as the Union Chairman wanted to utilise his services. Therefore, he was induced to apply for leave. He was working under the control of Block Development Officer. The District Educational Officer, a Gazetted Officer of the Government gave assistance to the first respondent by granting leave to the said Muthumani and releasing him his duties throughout the period of election. A Car MDU—3636, was placed at his disposal and he was doing strenuous work on behalf of the first respondent. It appears that a complaint was sent to the District Collector by one Sivakaminathan as early as 30th January 1962 pointing that a rule on that behalf was disregarded. But the Complaint was ignored, thus showing that Government servants were actively assisting the first respondent the Congress Candidate in the matter of elections.

XVIII. There was extensive feeling of voters on the polling day by the active workers and agents of the first respondent with his consent. Chits to supply meals to voters were given to the voters authorising supply of meals by the hotel keepers in some places and in some other places meals were prepared at the cost of the first respondent or by his workers with his consent and voters who had come to vote at the booths were fed at such places. These amount to corrupt practice. Particulars of such corrupt practices are given in schedule III.

XIX. (a) The respondent had engaged a number of motor cars for purposes of the election campaign and for transporting voters to the Polling Booth. Large quantities of petrol, oil etc., were used. The respondent has failed to include all the expenses, the cost of petrol, oil etc., the wages given to drivers and other workers accompanying them and batta paid to them.

(b) The expenses of feeding the large number of voters on the polling day, the polling agents and workers on that day, the salary or other remuneration payable or paid to them have also not been included in the accounts.

(c) The election expenses of the second respondent were met by the first respondent as stated in paragraph XII above. Such expenses also form part of the first respondent's election expenses. They should have been included in the account of expenses. One Muthusami was employed to work for the first respondent. He was drawing a salary of Rs. 125 as a teacher. He was withdrawn from his normal duties as teacher and exclusively put to election work. His salary, batta and other expenses have not been included in the first respondent's election account.

XX. The results of the election as regards the returned candidate have been materially affected by the corrupt practices, non-compliance with the Rules etc., mentioned above. The petitioner further states that on a correct counting of votes according to accepted principles, the petitioner would be found to have obtained the majority of votes.

XXI. This petition has accordingly been filed for declaring the first respondent's election void and for a declaration that the petitioner himself should be duly declared elected.

XXII. A sum of Rs. 2,000 has been deposited with the Government Sub-Treasury at Madurai, Madras State in favour of the Election Commission as security for costs of this petition. The receipt Number 2269, dated 7th April 1962 Sub-Treasury Madurai for the said deposit is herewith produced.

Wherefore the petitioner humbly prays,—

- (1) that the election of the first respondent to represent the Periyakulam Constituency of the Lok Sabha at the election held on 19th February 1962 be declared void;
- (2) that the petitioner be declared to have been duly elected to the said Constituency;
- (3) for costs of these proceedings; and
- (4) for such other and further reliefs as may be deemed to be fit and proper in the circumstances of the case.

I, the aforesaid petitioner do hereby declare that the facts in paragraph I to III, are known to my knowledge and that the facts in other paragraphs are known to me only on information and that I believe them to be true. In token whereof I have signed this at Madurai, on 7th April, 1962.

MUTHIAH.

SCHEDULE I

Particulars of corrupt practices mentioned in paragraph XV of the petition

Date	Place of plying	Car No.	Remarks
(1) 19-2-62 Morning to evening and throughout the election campaign.	Bodinaickenur	MDU-8792	Voters of 6th and 7th ward of Bodinaickenur were brought in this car to the Polling Station on 19-2-62.
(2) 19-2-62, Morning to evening and throughout the election Campaign.	Bodinaickenur	MDU-7860	Voters of 1, 2 and 3 ward of Bodinaickenur were brought in this car to the Polling Station on 19-2-62.
(3) 19-2-62, Morning to evening and through out the election campaign.	Chinnamanur	MDU-3636	Voters of Chinnamanur were brought in this car to polling stations on 19-2-62.

I, the aforesaid petitioner do hereby declare that the facts stated supra are known to me only on information and that I believe them to be true. In token where of I have signed this At Madurai on 7-4-62.

MUTHIAH.

SCHEDULE II

Particulars of the Corrupt Practice mentioned in Paragraph XVI of the petition.

Date	Persons who paid	Place of payment	To whom paid	Amount	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
I	17-2-62 (1) Muthumani, s/o Sankaran Servai Teacher, Panchayat, Elementary School, Chinnamanur. (2) Ponnaya Thevar, s/o Velu Thevar Narayanathevaupatti. (3) Paratharaju s/o Ramaswamy Gounder Kamayagoundanpatti.	Kamayagoundanpatti	To the voters of Kamayagoundanpatti.	Rupee 1/- per vote.	
II	18-2-62 S. Muthumani s/o Sankaran Servai, Teacher Chinnamanur.	Uthamapalayam	To the voters of Uthamapalayam at tenth ward.	Rs. 2/- per vote.	
	18-2-62 M. Malaisamy Thevar, Chinnamanur Panchayat Union Chairman.	Uthamapalayam 1st and 2nd wards.	To the voters of Uthamapalayam residing in 1st and second wards.	Re. 1 per vote.	
	18-2-62 Peeranan; son of Moheedeen Rowther Secretary Youth Congress Uthamapalayam.	Do.	Do.	Do.	
III	17-2-62 S. Muthumani, son of Sankaran Asari, Teacher, Chinnamanur.	Gokilapuram Village	The voters of Gokilapuram, village.	Re. 1 per vote.	
IV	18-2-62 O. Ramasamy, son of Ocha Thevar, Chairman Municipality, Cumbum.	Cumbum 2nd and 3rd wards.	To voters of Cumbum who are residing in 2nd and third wards.	Re. 1 per vote.	
V	17-2-62 Arunachalam Servai Union Chairman, Seda-	Elumalai	To the voters of Elumalai.	Rs. 2 per vote.	
VI	18-2-62 Arunachalam Servai Panchayat Union Chairman, Sedapatti.	Sulapuram	To the Voters of Sulapuram.	Re. 1 per vote.	
VII	18-2-62 Suruttai alias Muthiah s/o Erulappa Servai, 6th Ward Bodinaickenur.	Bodinaickenur	To the voters of 6th and 7th wards of Bodinaickenur.	Re. 1 per vote.	
VIII	18-2-62 Driver Muthusami Naidu Sarithupatti, Lakshmiapuram, P.O. Periyakulam Taluk.	Sarithupatti	To the voters of Sarithupatti.	Re. 1 per vote.	
IX	18-2-62 Nachimuthu, teacher, Panchayat Union School, Thandikudi, Kedsikanal Tk.	A. Vadipatti	To the voters of Vadipatti.	Re 1 per vote.	

I, the aforesaid petitioner do hereby declare that the facts Stated supra are known to me only on information and that I believe them to be true in token whereof I have signed this at Madurai on 7-4-62.

MUTHIAH.

SCHEDULE III

Particulars of corrupt practice mentioned in paragraph XVIII of the petition.

Date	Place	Person who issued chit if any	Person who supplied meals if any	Place where meals prepared and sup- plied	Name of the hotel keeper if any	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)
I	19-2-62	V.M. Ramasamimoppanar Madam T. Subbalapuram	A.K. Muthukkarup- pasamy Mooppa- nar cloth merchant T. Subbalapuram, Periyakulam Taluk.	V.M. Kumarasamy Mooppanar Madam T. Subbalapuram.		Meals supplied to voters of T. Subba- lapuram and its ten hamlets.
II	19-2-62	1. C. Alagappillai Coffeehotel, Thamaraikulam. 2. Ramasami Pillai Coffee hotel. Do. Thamaraikulam. 3. Mariappa Pillai Coffee Hotel, Thamaraikulam.	1. S. Chellarama Pillai son of Sub- biah Pillai second ward. Thamaraiku- lam. 2. A. Paramasivam Pillai son of Ay- yamperumal Pillai third ward Thama- raikulam.	1. Alagapillai Coffee- hotel. 2. Ramasami Pillai, Coffeehotel. 3. Mariappa Pillai, Coffeehotel.	1. C. Alaga Pillai 2. A. Rama- sami Pillai. 3. A. Mariappa Pillai.	Meals supplied to the voters of Thamarai kulam.

I, the aforesaid petitioner do hereby declare that the facts stated supra are known to me only on information and I believe them to be true. In token whereof I have signed this at Madurai on 7-4-62.

I certify that this is a true copy of the original petition.

MUTHIAH,
7-4-62
Petitioner

In the matter of Periyakulam Constituency (Lok Sabha) in Madurai District, Madras State.

Before the Election Commission,
New Delhi.

Election Petn. No. 66 of 1962.

Election Petition

Petitioner.

Muthiah.

Respondents.

Malaichamy Thevar and another.

[No. 82/66/62.]

By Order,

V. RAGHAVAN, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 25th April 1962

S.O.1305.—In exercise of the powers conferred by sub-rule (1) of rule 5-A of the Central Civil Services (Temporary Service) Rules, 1949, read with article 313 of the Constitution and in supersession of the Notification of the Government of India in the Ministry of Home Affairs No. F. 78/147/56-TS, dated the 12th February, 1957, the Central Government hereby specifies the Comptroller and Auditor General as the authority to act on behalf of the said Government for the purpose of the said rule in so far as the employees of the Indian Audit and Accounts Department, other than those whose appointing authority is the President, are concerned.

[No. F. 41/20-61-Ests.(C)(1).]

S.O. 1306.—In exercise of the powers conferred by sub-rule (1) of rule 5-A of Central Civil Services (Temporary Service) Rules, 1949, read with article 313 of the Constitution, the Central Government hereby specifies the Deputy Comptroller and Auditor General and the Additional Deputy Comptroller and Auditor General as the authorities to act on behalf of the said Government for the purpose of the said rule in respect of the Class III and Class IV employees of the Indian Audit and Accounts Department, other than the Class III employees of the Office of the Comptroller and Auditor General of India.

[No. F. 41/20/61-Ests.(C)(2).]

K. THYAGARAJAN, Under Secy.

New Delhi, the 28th April 1962

S.O. 1307.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal) Rules, 1957, namely:—

1. These rules may be called the Central Civil Services (Classification, Control and Appeal) Fourth Amendment Rules, 1962.

2. In the Central Civil Services (Classification, Control and Appeal) Rules, 1957, rule 32 shall be renumbered as sub-rule (1) of that rule and after the sub-rule as so renumbered, the following sub-rule shall be inserted, namely:—

“(2) The powers vested in the President under sub-rule (1) may also be exercised in like manner.

(i) in the case of a Government servant in the Indian Audit and Accounts Department by the Comptroller and Auditor-General; and

(ii) in the case of a Government servant in a Department or Office, not being the Secretariat or the Indian Audit and Accounts Department, which is under the control of a ‘Head of a Department’ directly under the Government, by such Head of Department;

Provided that no such power shall be exercisable unless,—

- (i) the authority which made the order in appeal or in review, or
- (ii) where no appeal has been preferred or no review has been made, the authority to which an appeal would lie or which is competent to review the order,

is subordinate to the Comptroller and Auditor-General or such Head of Department, as the case may be.

[No. F. 7/25/61-Ests.(A).]

S.O. 1308.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal) Rules, 1957, namely:—

1. These rules may be called the Central Civil Services (Classification, Control and Appeal) Third Amendment Rules, 1962.

2. In the Central Civil Services (Classification, Control and Appeal) Rules, 1957, in sub-rule (5) of rule 15, the words "approved by the Disciplinary Authority" shall be omitted.

[No. F. 7/3/62-Ests.(A).]

B. D. JAYAL, Dy. Secy.

CABINET SECRETARIAT

(Department of Statistics)

New Delhi, the 26th April, 1962

S.O. 1309.—In exercise of the powers conferred by Section 14 of the Collection of Statistics Act, 1953 (32 of 1953), the Central Government hereby makes the following rules, further to amend the Collection of Statistics (Central) Rules, 1959, the same having been previously published as required by sub-section (1) of the said section, namely:—

1. These rules may be called the Collection of Statistics (Central) Amendment Rules, 1962.

2. In the Collection of Statistics (Central) Rules, 1959 (hereinafter referred to as the said rules), rule 3 shall be re-numbered as sub-rule (1) of that rule, and—

(a) in the sub-rule as so re-numbered, the following words and brackets shall be omitted, namely:—

“the following before a date to be stated in the notice (which date shall not ordinarily be earlier than three calendar months after the end of the period to which the return relates)”;

(b) after the same sub-rule, the following sub-rule shall be inserted, namely:—

“(2) The return or other document referred to in sub-rule (1) shall be furnished before a date to be specified in the notice which date shall be—

(a) in the case of an annual return or other document, not earlier than three calendar months,

(b) in any other case, not earlier than one calendar month, after the end of the period to which the return or other document relates”.

3. In the first proviso to rule 6 of the said rules, for the words “three months”, the words “three months or as the case may be, one month” shall be substituted.

[No. 16/5/61-Estt.II.]

M. BALAKRISHNA MENON, Dy. Secy.

MINISTRY OF FINANCE
(Department of Expenditure)
(Establishment Division)

New Delhi, the 15th March 1962

S.O. 1310.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following amendment in the rules regulating the Workmen's Contributory Provident Fund as instituted with the Government of India, late Finance Department Resolution No. F. 33(3)-R. II/44, dated the 16th April, 1945, namely:—

In the said Resolution, in paragraph 2, after sub-paragraph (5-A), the following sub-paragraph shall be inserted, namely:—

“(5-B) The provisions contained in rule 32 of the Contributory Provident Fund Rules (India), 1962, restricting the facility of financing insurance policies from the Provident Fund shall not apply.”

[No. F. 11(2)-EV(B)/61.]

S.O. 1311.—In exercise of the powers conferred by the proviso to article 309, and clause (5) of article 148, of the Constitution, and of all other powers enabling him in this behalf, the President, after consultation with the Comptroller and Auditor General in respect of persons employed in the Indian Audit and Accounts Department, hereby makes the following rules, namely:—

Short Title and Definitions

1. Short title and commencement.—(1) These rules may be called the Contributory Provident Fund Rules (India), 1962.

(2) They shall come into force at once.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

(i) *Account Officer* means such officer as may be appointed in this behalf by the Comptroller and Auditor General, or the Pay and Accounts Officer where a separate Pay and Accounts Office exists.

(ii) *Emoluments* means pay, leave-salary, or subsistence grant, as defined in the Fundamental Rules and includes—

- (a) dearness pay appropriate to pay, leave salary, or subsistence grant, if admissible;
- (b) any wages paid by Government to employees not remunerated by fixed monthly pay; and
- (c) any remuneration of the nature of pay received in respect of foreign service.

(iii) *Family* means—

(a) In the case of male subscriber, the wife or wives and children of a subscriber, and the widow, or widows, and children of a deceased son of the subscriber;

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate unless the subscriber subsequently intimates in writing to the Account Officer that she shall continue to be so regarded:

(b) in the case of a female subscriber, the husband and children of a subscriber, and the widow or widows and children of a deceased son of a subscriber:

Provided that if a subscriber by notice in writing to the Account Officer expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently cancels such notice in writing.

NOTE.—*Child* means a legitimate child, and includes an adopted child, where adoption is recognised by the personal law governing the subscriber.

(iv) *Fund* means the Contributory Provident Fund (India);

(v) *Leave* means any variety of leave recognised by the Fundamental Rules or the Civil Service Regulations or the Revised Leave Rules, 1933, whichever may be applicable to the subscriber; and

(vi) *Year* means a financial year.

(2) Any other expression employed in these rules which is defined either in the Provident Funds Act, 1925 (19 of 1925), or in the Fundamental Rules is used in the sense therein defined.

(3) Nothing in these rules shall be deemed to have the effect of terminating the existence of the Contributory Provident Fund (India) as heretofore existing or of constituting any new Fund.

Constitution of the Fund

3. Constitution of the Fund.—(1) The Fund shall be maintained in rupees.

(2) All sums paid into the Fund under these rules shall be credited in the books of Government to an account named "The Contributory Provident Fund (India) Account". Sums of which payment has not been taken within six months after they become payable under these rules shall be transferred to "Deposits" after the 31st March of the year and treated under the ordinary rules relating to deposits.

4. Conditions of eligibility.—(1) These rules shall apply to every non-pensionable servant of Government belonging to any of the Services under the control of the President, who—

(a) has been admitted before these rules came into force to the benefits of the Contributory Provident Fund (India); or

(b) may be admitted by Government to the Fund after these rules come into force;

Provided that these rules shall not apply to any such servant between whom and Government an agreement subsists in respect of a provident fund other than an agreement providing for the application to him of these rules, and, in the case of an agreement so providing, shall apply subject to the terms of such agreement.

NOTE.—Any officer retired from any Civil or Military Department, of the Central Government or from services of any State Government, or from the services of any local fund administered by the Government, or Port Trust or Railways, **may on re-employment in Civil Department** be admitted to the Fund by the appointing authority subject to the general orders issued in this behalf by the Government of India, in the Ministry of Finance, from time to time.

(2) Every servant of Government to whom these rules apply shall be subscriber to the Fund.

(3) If a Government servant admitted to the benefit of the Fund was previously a subscriber to any other contributory or non-contributory provident fund of the Central Government, the amount of his subscriptions and Government contributions in the other Contributory Provident Fund or the amount of his subscriptions in the non-Contributory Provident Fund, as the case may be, together with interest thereon, shall be transferred to his credit in the Fund.

(4) If a Government servant admitted to the benefit of the Fund was previously a subscriber to any other Government Contributory Provident Fund or non-Contributory Provident Fund, the amount of his subscriptions and the Government contribution in the Contributory Provident Fund or the amount of his subscriptions in the non-Contributory Provident Fund, as the case may be, together with interest thereon, shall be transferred to his credit in the Fund, with the consent of the other Government,

NOTE (1).—The provisions of sub-rules (3) and (4) shall not apply to a person who has retired and is subsequently re-employed, with or without a break in service, or to a person who was holding the former appointment on contract.

NOTE (2).—The provisions of this rule shall, however, apply to persons who are appointed without break, whether temporarily or permanently to a post carrying the benefits of these rules after resignation or retrenchment from service under another Department of Central Government or under the State Government.

Nominations

5. Nominations.—(1) A subscriber shall, at the time of joining the Fund, send to the Account Officer a nomination, conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund in the event of

his death before that amount has become payable, or having become payable, has not been paid:

Provided that if, at the time of making the nomination the subscriber has a family, the nomination shall not be in favour of any person or persons other than the members of his family:

Provided further that the nomination made by the subscriber in respect of any other Provident Fund to which he was subscribing before joining the fund, shall, if the amount to his credit in such other fund has been transferred to his credit in this fund, be deemed to be a nomination duly made under this rule until he makes a nomination in accordance with this rule.

(2) If a subscriber nominates more than one person under sub-rule (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.

(3) Every nomination shall be in such one of the Form set forth in the First Schedule as is appropriate in the circumstances.

(4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Account Officer. The subscriber shall along with such notice or separately send a fresh nomination made in accordance with the provisions of this rule.

(5) A subscriber may provide in a nomination—

(a) in respect of any specified nominee that in the event of his predeceasing the subscriber, the right conferred upon that nominee shall pass to such other person or persons as may be specified in the nomination provided that such other person or persons shall, if the subscriber has other members of his family, be such other member or members. Where the subscriber confers such a right on more than one person under this clause, he shall specify the amount or share payable to each of such persons in such a manner as to cover the whole of the amount payable to the nominee.

(b) that the nomination shall become invalid in the event of the happening of a contingency specified therein:

Provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family:

Provided further that if at the time of making the nomination the subscriber has only one member of the family, he shall provide in the nomination that the right conferred upon the alternate nominee under clause (a) shall become invalid in the event of his subsequently acquiring other member or members in his family.

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-rule (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-rule (5) or the provisos thereto, the subscriber shall send to the Account Officer a notice in writing cancelling the nomination together with a fresh nomination made in accordance with the provisions of this rule.

(7) Every nomination made and every notice of cancellation given, by a subscriber shall, to the extent that it is valid, take effect, on the date on which it is received by the Account Officer.

Subscriber's Accounts

6. **Subscriber's account.**—An account shall be opened in the name of each subscriber, in which shall be shown—

- (i) his subscriptions;
- (ii) contributions made under rule 11 by Government to his account;
- (iii) interest, as provided by rule 12 on subscriptions;
- (iv) interest, as provided by rule 12, on contributions; and
- (v) advances and withdrawals from the Fund.

Conditions and Rates of Subscriptions

7. Conditions of subscriptions.—(1) Every subscriber shall subscribe monthly to the Fund when on duty or foreign service but not during a period of suspension:

Provided that a subscriber on re-instatement after a period passed under suspension shall be allowed the option of paying in one sum, or in instalments, any sum not exceeding the maximum amount of arrears of subscriptions permissible for that period.

(2) A subscriber may, at his option, not subscribe during any period of leave other than leave on average pay or earned leave of less than one month or 30 days' duration, as the case may be.

(3) The subscriber shall intimate his election not to subscribe during leave in the following manner:—

(a) if he is an officer who draws his own pay bills, by making no deduction on account of subscription in his first pay bill drawn after proceeding on leave;

(b) if he is not an officer who draws his own pay bills, by written communication to the head of his office before he proceeds on leave.

Failure to make due and timely intimation shall be deemed to constitute an election to subscribe.

The option of a subscriber intimated under this sub-rule shall be final.

(4) A subscriber who has, under rule 34, withdrawn the amount of subscriptions and interest thereon, shall not subscribe to the Fund after such withdrawal, unless he returns to duty.

8. Rates of subscriptions.—(1) The amount of subscription shall be fixed by the subscriber himself subject to the following conditions, namely:—

(a) It shall be expressed in whole rupees.

(b) It may be any sum, so expressed, not less than 8 1/3 per cent. of his emoluments and not more than his emoluments.

(2) For the purposes of sub-rule (1) the emoluments of a subscriber shall be—

(a) in the case of a subscriber who was in Government service on the 31st March of the preceding year, the emoluments to which he was entitled on that date:

Provided that—

(i) if the subscriber was on leave on the said date and elected not to subscribe during such leave or was under suspension on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty;

(ii) if the subscriber was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled had he been on duty in India;

(iii) if the subscriber joined the Fund for the first time on a day subsequent to the said date, his emoluments shall be the emoluments to which he was entitled on such subsequent date;

(b) In the case of a subscriber who was not in Government Service on the 31st March of the preceding year, the emoluments to which he was entitled on the first day of his service or, if he joined the Fund for the first time on a date subsequent to the first day of his service, the emoluments to which he was entitled on such subsequent date.

Provided that, if the emoluments of the subscriber are of a fluctuating nature; they shall be calculated in such manner as the President may direct.

(3) The subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner:—

- (a) if he was on duty on the 31st March of the preceding year, by the deduction which he makes in this behalf from his pay bill for that month;
- (b) if he was on leave on the 31st March of the preceding year and elected not to subscribe during such leave or was under suspension on that date, by the deduction which he makes in this behalf from his first pay bill after his return to duty;
- (c) if he has entered Government service for the first time during the year, or joins the Fund for the first time, by the deduction which he makes in this behalf, from his pay bill for the month during which he joins the Fund;
- (d) if he was on leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month;
- (e) if he was on foreign service on the 31st March of the preceding year, by the amount credited by him into the treasury on account of subscription for the month of April in the current year;
- (f) if his emoluments are of the nature referred to in the proviso to sub-rule (2), in such manner as the President may direct.

(4) The amount of subscription so fixed may be enhanced or reduced once at any time during the course of a year:

Provided that when the amount of subscription is so reduced, it shall not be less than the minimum prescribed in sub-rule (1):

Provided further that if a subscriber is on duty for a part of a month and on leave for the remainder of that month, and if he has elected not to subscribe during leave, the amount of the subscription payable shall be proportionate to the number of days spent on duty in the month.

9. Transfer to foreign service or deputation out of India.—When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain subject to the rules of the Fund in the same manner as if he were not so transferred or sent on deputation.

Realisation of subscriptions

10. Realisation of subscription.—(1) When emoluments are drawn from a Government treasury in India or from an authorised office of disbursement outside India, recovery of subscriptions on account of these emoluments and of the principal and interest of advances shall be made from the emoluments themselves.

(2) When emoluments are drawn from any other source the subscriber shall forward his dues monthly to the Account Officer.

Contribution by Government

11. Contribution by Government.—(1) Government shall with effect from the 31st March of each year, make a contribution to the account of each subscriber:

Provided that if a subscriber quits the service or dies during a year contribution shall be credited to his account for the period between the close of the preceding year and the date of the casualty:

Provided further that no contribution shall be payable in respect of any period for which the subscriber is permitted under the rules not to, or does not, subscribe to the Fund.

(2) The contribution shall be such percentage of the subscriber's emoluments drawn on duty during the year or period, as the case may be, as has been or may be prescribed by Government by general or special order:

Provided that if, through oversight or otherwise, the amount subscribed is less than the minimum subscription payable by the subscriber under sub-rule (1)

of rule 8 and if the short subscription together with the interest accrued thereon is not paid by the subscriber within such time as may be specified by the authority competent to sanction an advance for the grant of which, special reasons are required under sub-rule (2) of rule 13, the contribution payable by the Government shall be equal to the amount actually paid by the subscriber or the amount normally payable by Government, whichever is less, unless the Government, in any particular case, otherwise directs.

(3) If a subscriber is on deputation out of India, the emoluments which he would have drawn had he been on duty in India shall, for the purposes of this rule, be deemed to be emoluments drawn on duty.

(4) Should a subscriber elect to subscribe during leave, his leave salary shall, for the purposes of this rule, be deemed to be emoluments drawn on duty.

(5) Should a subscriber elect to pay arrears of subscriptions in respect of a period of suspension, the emoluments or portion of emoluments which may be allowed for that period on reinstatement, shall, for the purpose of this rule, be deemed to be emoluments drawn on duty.

(6) The amount of any contribution payable in respect of a period of foreign service shall, unless it is recovered from the foreign employer, be recovered by Government from the subscriber.

(7) The amount of contribution payable shall be rounded to the nearest whole rupee (fifty naye paise counting as the next higher rupee).

Interest

12. **Interest.**—(1) Government shall pay to the credit of the account of a subscriber interest, at such rate as Government may from time to time prescribe for the payment of interest on subscriptions to the General Provident Fund on the amount to his credit in the Fund.

(2) Interest shall be credited with effect from the 31st March of each year in the following manner:—

- (i) on the amount to the credit of a subscriber on the 31st March of the preceding year, less any sums withdrawn during the current year—interest for twelve months;
- (ii) on sums withdrawn during the current year—interest from the 1st April of the current year upto the last day of the month preceding the month of withdrawal;
- (iii) on all sums credited to the subscriber's account after the 31st March of the preceding year—interest from the date of deposit upto the 31st March of the current year;
- (iv) the total amount of interest shall be rounded to the nearest rupee in the manner provided in sub-rule (7) of rule 11.

Provided that when the amount standing to the credit of a subscriber has become payable, interest shall thereupon be credited under this sub-rule in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, up to the date on which the amount standing to the credit of the subscriber became payable.

(3) For the purposes of this rule the date of deposit shall, in the case of recoveries from emoluments, be deemed to be the first day of the month in which they are recovered; and, in the case of amounts forwarded by the subscriber, shall be deemed to be the first day of the month of receipt, if they are received by the Account Officer before the fifth day of that month, or, if they are received on or after the fifth day of that month, the first day of the next succeeding month.

Provided that where there has been a delay in the drawal of pay or leave salary and allowances of a subscriber and consequently in the recovery of his subscription towards the Fund, the interest on such subscriptions shall be payable from the month in which the pay or leave salary of the subscriber was due under the rules, irrespective of the month in which it was actually drawn.

(4) In addition to any amount to be paid under rule 37, interest thereon upto the end of the month preceding that in which payment is made, or upto the end of the sixth month after the month in which such amount became payable,

whichever of these periods be less, shall be payable to the person to whom such amount is to be paid:

Provided that no interest shall be paid in respect of any period after the date which the Account Officer has intimated to that person (or his agent) as the date on which he is prepared to make payment in cash, or if he pays by cheque, after the date on which the cheque in that person's favour is put in the post.

(5) Interest shall not be credited to the account of a subscriber if he informs the Account Officer that he does not wish to receive it; but if he subsequently asks for interest, it shall be credited with effect from the 1st April of the year in which he asks for it.

(6) The interest on amounts which, under sub-rule (3) of rule 22, or sub-rule (4) of rule 24, or sub-rule (1) of rule 26 or sub-rule (1) or sub-rule (2) of rule 27 or rule 31 or rule 33 or rule 34 are replaced to the credit of the subscriber in the Fund, shall be calculated at such rates as may be successively prescribed under sub-rule (1) of this rule and so far as may be in the manner described in this rule.

Advances from the Fund

13. Advance from the Fund.—(1) The appropriate sanctioning authority may sanction the payment to any subscriber of an advance consisting of a sum of whole rupees and not exceeding in amount three months' pay or half the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund, whichever is less, for one or more of the following purposes:—

- (a) to any expenses in connection with the illness or a disability, including where necessary, the travelling expenses of the subscriber or any person actually dependent on him;
- (b) to meet the cost of higher education, including where necessary, the travelling expenses of the subscriber or any person actually dependent on him in the following cases, namely:—
 - (i) for education outside India for an academic, technical, professional or vocational course beyond the High School stage and
 - (ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage, provided that the course of study is for not less than three years;
- (c) to pay obligatory expenses on a scale appropriate to the status which by customary usage the subscriber has to incur in connection with marriages or other ceremonies of himself or of his children or of any other person actually dependent on him:

Provided that the condition of actual dependence shall not apply in the case of a son or daughter of the subscriber;

Provided further that the condition of actual dependence shall not apply in the case of an advance required to meet the funeral expenses of the parent of a subscriber;

- (d) to meet the cost of legal proceedings instituted by the subscriber for vindicating his position in regard to any allegations made against him in respect of any act done or purporting to be done by him in the discharge of his official duty, the advance in this case being available in addition to any advance admissible for the same purpose from any other Government source:

Provided that the advance under this sub-clause shall not be admissible to a subscriber who institutes legal proceedings in any court of law either in respect of any matter unconnected with his official duty or against Government in respect of any condition of service or penalty imposed on him:

- (e) to meet the cost of his defence where the subscriber is prosecuted by Government in any court of law or where the subscriber engages a legal practitioner to defend himself in an enquiry in respect of any alleged official misconduct on his part.

(2) An advance shall not, except for special reasons to be recorded in writing be granted to any subscriber in excess of the limit laid down in sub-rule (1) or until repayment of the last instalment of any previous advance.

Provided that an advance shall in no case exceed the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund.

Note 1.—For the purpose of this rule, pay includes dearness pay, where admissible.

Note 2.—The appropriate sanctioning authority for the purpose of this rule is specified in the Fifth Schedule.

14. **Recovery of advances.**—(1) An advance shall be recovered from the subscriber in such number of equal monthly instalments as the sanctioning authority may direct; but such number shall not be less than twelve unless the subscriber so elects and more than twenty-four. In special cases where the amount of advance exceeds three months' pay of the subscriber under sub-rule (2) of rule 13, the sanctioning authority may fix such number of instalments to be more than twenty-four but in no case more than thirty-six. A subscriber may, at his option, make repayment in a smaller number of instalments than that prescribed. Each instalment shall be a number of whole rupees, the amount of the advance being raised or reduced, if necessary, to admit of the fixation of such instalments.

(2) Recovery shall be made in the manner provided in rule 10 for the realisation of subscriptions and shall commence on the first occasion after the advance is made on which the subscriber draws emoluments, other than leave salary or subsistence grant, for a full month. Recovery shall not be made, except with the subscriber's consent, while he is in receipt of subsistence grant or is on leave other than leave on average pay or earned leave of less than one month or 30 days' duration, as the case may be. The recovery may be postponed, on the subscriber's written request, by the sanctioning authority during the recovery of an advance of pay granted to the subscriber.

(3) If more than one advance has been made to a subscriber, each advance shall be treated separately for the purpose of recovery.

(4) (a) After the principal of the advance has been fully repaid, interest shall be paid thereon at the rate of one-fifth per cent of the principal for each month or broken portion of a month during the period between the drawal and complete repayment of the principal.

Provided that subscribers whose deposits in the Fund carry no interest shall not be required to pay into the Fund any additional instalments on account of interest on advances granted to them from the Fund.

(b) Interest shall ordinarily be recovered in one instalment in the month after complete repayment of the principal; but, if the period referred to in clause (a) exceeds twenty months, interest may, if the subscriber so desires, be recovered in two monthly equal instalments. The method of recovery shall be that provided in sub-rule (2). Payments shall be rounded to the nearest rupee in the manner provided in sub-rule (7) of rule 11.

(5) If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn, shall, with interest at the rate provided in rule 11, forthwith be repaid by the subscriber to the Fund, or in default, be ordered by the Account Officer to be recovered by deduction from the emoluments of the subscriber in a lump sum or in monthly instalments not exceeding twelve, as may be directed by the authority competent to sanction an advance for the grant of which, special reasons are required under sub-rule (2) of rule 13:

Provided that subscribers whose deposits in the Fund carry no interest shall not be required to pay any interest.

(6) Recoveries made under this rule shall be credited, as they are made, to the account of the subscriber in the Fund.

15. **Wrongful use of advance.**—Notwithstanding anything contained in these rules, if the sanctioning authority is satisfied that money drawn as an advance from the Fund under rule 13 has been utilised for a purpose other than that for which sanction was given to the drawal of the money, the amount in question, shall with interest at the rate provided in rule 12 forthwith be repaid by the subscriber to the Fund, or in default, be ordered to be recovered by deduction in one sum from the emoluments of the subscriber even if he be on leave. If the total amount to be repaid be more than half the subscriber's emoluments recoveries shall be made in monthly instalments of moiety of his emoluments till the entire amount is repaid by him.

Note.—The term 'emoluments' in this rule does not include subsistence grant.

Withdrawal from the Fund

16. Withdrawal from the Fund.—(1) Subject to the conditions specified therein withdrawals may be sanctioned by the authorities competent to sanction an advance for special reasons under sub-rule (2) of rule 13, at any time after the completion of twenty-five years of service (including broken periods of service, if any) of a subscriber or within five years before the date of his retirement or superannuation, whichever is earlier, from the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund, for one or more of the following purposes, namely:—

(a) Meeting the cost of higher education, including where necessary, the travelling expenses of any child of the subscriber actually dependent on him in the following cases, namely:—

(i) for education outside India for academic, technical, professional or vocational course beyond the High School stage, and

(ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage, provided that the course of study is for not less than three years.

(b) Meeting the expenditure in connection with the marriage of the subscriber's sons or daughters and if he has no daughter, of any other female relation dependent on him.

(c) Meeting the expenses in connection with the illness, including where necessary, the travelling expenses, of the subscriber or any person actually dependent on him.

(d) Building or acquiring a suitable house for his residence including the cost of the site or repaying any outstanding amount on account of loan expressly taken for this purpose before the date of receipt of the application for withdrawal but not earlier than twelve months of that date, or reconstructing or making additions or alterations to a house already owned or acquired by a subscriber.

(e) Purchasing a house-site or repaying any outstanding amount on account of loan expressly taken for this purpose before the date of receipt of the application for the withdrawal but not earlier than twelve months of that date.

(f) For constructing a house on a site purchased utilising the sum withdrawn under clause (e):

Provided that a subscriber who has availed himself of an advance under the Scheme of the Ministry of Works, Housing and Supply, for the grant of advances for house-building purpose, or has been allowed any assistance in this regard from any other Government source, shall not be eligible for the grant of final withdrawal under clause (d), (e) and (f) except for the express purpose of repayment of any loan taken under the aforesaid Scheme.

(2) The actual withdrawal from the Fund shall be made only on receipt of an authorisation from the Account Officer concerned who will arrange this as soon as the formal sanction of the sanctioning authority has been issued.

17. Conditions for withdrawal.—(1) Any sum withdrawn by a subscriber at any one time for one or more of the purposes specified in rule 16 from the amount standing to his credit in the Fund shall not ordinarily exceed one-half of the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund or six months' pay, whichever is less. The sanctioning authority may, however, sanction the withdrawal of an amount in excess of this limit upto three-fourths of the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund having due regard to (i) the object for which the withdrawal is being made (ii) the status of the subscriber and (iii) the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund.

(2) A subscriber who has been permitted to withdraw money from the Fund under rule 16 shall satisfy the sanctioning authority within a reasonable period as may be specified by that authority that the money has been utilised for the purpose for which it was withdrawn, and if he fails to do so, the whole of the

sum so withdrawn, or so much thereof as has not been applied for the purpose for which it was withdrawn shall forthwith be repaid in one lump sum together with interest thereon at the rate determined under rule 12 by the subscriber to the Fund, and in default of such payment, it shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lump sum or in such number of monthly instalments, as may be determined by the President.

(3) Nothing in sub-rule (2) shall be deemed to require a subscriber whose deposits in the Fund carry no interest, to pay any interest on any sum repayable by him under that sub-rule.

18. Conversion of an advance into a withdrawal.—A subscriber who has already drawn or may draw in future an advance under rule 13 for any of the purposes specified in clause (a), (b) and (c) of sub-rule (1) of rule 16 may convert, at his discretion, by written request addressed to the Account Officer, through the sanctioning authority the balance outstanding against it into a final withdrawal on his satisfying the conditions laid down in rules 16 and 17.

Payments towards Insurance Policies and Family Pension Funds

19. Payment towards Insurance Policies.—Subject to the conditions contained in rules 20 to 30—

- (a) (i) subscriptions to a family pension fund approved in this behalf by the President; or
- (ii) payments towards a policy of life insurance, may, at the option of a subscriber, be substituted for the whole or part of subscriptions to the Fund;
- (b) the amount of subscriptions with interest thereon standing to the credit of a subscriber in the Fund may be withdrawn to meet—
 - (i) payments towards a policy of life insurance;
 - (ii) purchase of a single payment insurance policy;
 - (iii) payable of a single premium or subscriptions to a family pension fund approved in this behalf by the President;

Provided that no amount shall be withdrawn (1) before the details of the proposed policy have been submitted to the Account Officer and accepted by him as suitable, or (2) to meet any payment or purchase made or effected more than three months before the withdrawal, or (3) in excess of the amount required to meet a premium or subscription actually due for payment within three months of the date of withdrawal:

Provided further that payments towards an educational endowment policy may not be substituted for subscriptions to the Fund and that no amounts may be withdrawn to meet any payment or purchase in respect of such a policy if that policy is due for payment in whole or part before the subscriber's age of normal superannuation.

(c) Any amount withdrawn under clause (b) shall be paid in whole rupees only rounded to the nearest rupee in the manner provided in sub-rule (7) of rule 11.

20. Number of policies that can be financed from the Fund.—(1) The number of policies in respect of which substitution for subscriptions due to the Fund or withdrawal of subscriptions from the Fund may be permitted under rule 19, shall not exceed four:

Provided that where immediately before the 22nd June, 1953, substitution for subscriptions due to the Fund or withdrawal of subscriptions from the Fund, was permitted in respect of more than four policies, such substitution or withdrawal shall continue to be permitted in respect of these policies.

(2) The premium for a policy [including any policy referred to in the proviso to sub-rule (1)] in respect of which withdrawal of subscriptions from the Fund may be permitted under rule 19 shall not be payable otherwise than annually.

Explanation.—In computing the maximum number of policies specified in sub-rule (1), policies which have matured or have been converted into paid up policies shall be excluded.

21. Payment of difference between substituted payments and minimum subscriptions.—(1) If the total amount of any subscriptions or payments substituted under clause (a) of rule 19 is less than the amount of the minimum subscription payable to the Fund under rule 8, the difference shall be rounded off to the nearest rupee in the manner provided in sub-rule (7) of rule 11 and paid by the subscriber as a subscription to the Fund.

(2) If the subscriber withdraws any amount standing to his credit in the Fund for any of the purposes specified in clause (b) of rule 19, he shall, subject to his option under clause (a) of that rule, continue to pay to the Fund the subscription payable under rule 8.

22. Reduction of subscription in certain cases.—(1) A subscriber who desires to substitute a subscription or payment under clause (a) of rule 19 may reduce his subscription to the Fund accordingly:

Provided that the subscriber shall—

(a) intimate to the Account Officer on his pay-bill or by letter the fact of, and reason for, the reduction;

(b) send to the Account Officer, within such period as the Account Officer may require, receipts or certified copies of receipts in order to satisfy the Account Officer that the amount by which the subscription has been reduced was duly applied for the purposes specified in clause (a) of rule 19.

(2) A subscriber who desires to withdraw any amount under clause (b) of rule 19 shall—

(a) intimate the reason for the withdrawal to the Account Officer by letter;

(b) make arrangements with the Account Officer for withdrawal;

(c) send to the Account Officer, within such period as the Account Officer may require, receipts or certified copies of receipts in order to satisfy the Account Officer that the amount withdrawn was duly applied for the purposes specified in clause (b) of rule 19.

(3) The Account Officer shall order the recovery of any amount by which subscriptions have been reduced, or any amount withdrawn, in respect of which he has not been satisfied in the manner required by clause (b) of sub-rule (1) and clause (c) of sub-rule (2), with interest thereon at the rate provided in rule 12 from the emoluments of the subscriber and place it to the credit of the subscriber in the Fund.

23. Government not to make payments to insurer on behalf of subscriber.—(1) Government shall not make any payments on behalf of subscribers to insurance companies, nor take steps to keep a policy alive.

(2) It is immaterial what form the policy takes, provided that it shall be one effected by the subscriber himself on his own life and shall (unless it is a policy expressed on the face of it to be for the benefit of his wife, or of his wife and children, or any of them) be such as may be legally assigned by the subscriber himself to the President.

Explanation 1.—A policy on the joint lives of the subscriber and his wife shall be deemed to be a policy on the life of the subscriber for the purpose of this sub-rule.

Explanation 2.—A policy which has been assigned to the subscriber's wife shall not be accepted unless either the policy is first re-assigned to the subscriber or the subscriber and his wife both join in an appropriate assignment.

(3) The policy may not be effected for the benefit of any beneficiary other than the wife of the subscriber or his wife and children or any of them.

24. Assignment of Policies.—(1) The policy, within six months after the first withholding of a subscription or withdrawal from the Fund in respect of the policy, or, in the case of an insurance company whose headquarters are outside India, within such further period as the Account Officer, if he is satisfied by the production of the completion certificate (interim receipt), may fix, shall—

(a) unless it is a policy expressed on the face of it to be for the benefit of the wife of the subscriber, or of his wife and children, or any of them,

be assigned to the President, as security for the payment of any sum which may become payable to the Fund under rules 26 to 30, and delivered to the Account Officer, the assignment being made by endorsement on the policy in Form (1) or Form (2) or Form (3) of the Forms in the Second Schedule according as the policy is on the life of the subscriber or on the joint lives of the subscriber and his wife or the policy has previously been assigned to the subscriber's wife;

- (b) if it is a policy expressed on the face of it to be for the benefit of the wife of the subscriber, or of his wife and children, or any of them, be delivered to the Account Officer.

(2) The Account Officer shall satisfy himself by reference to the insurance company, where possible, that no prior assignment of the policy exists.

(3) Once a policy has been accepted by an Account Officer for the purpose of being financed from the Fund, the terms of the policy shall not be altered nor shall the policy be exchanged for another policy without the prior consent of the Account Officer to whom details of the alteration or of the new policy shall be furnished.

(4) If the policy is not assigned and delivered, or delivered, within the said period of six months or such further period as the Account Officer may, under sub-rule (1), have fixed, any amount withheld or withdrawn from the Fund in respect of the policy shall, with interest thereon at the rate provided in rule 12, forthwith be paid or repaid, as the case may be, by the subscriber to the Fund, or, in default be ordered by the Account Officer to be recovered by deduction from the emoluments of the subscriber, by instalments or otherwise, as may be directed by the authority competent to sanction an advance for the grant of which, special reasons are required under sub-rule (2) of rule 13.

(5) Notice of assignment of the policy shall be given by the subscriber to the insurance company, and the acknowledgment of the notice by the insurance company shall be sent to the Account Officer within three months of the date of assignment.

Note 1.—Subscribers are advised to send notice of the assignment to the insurance company in duplicate, accompanied, in cases in which the notice has to be sent to a company in Great Britain or Ireland, by a remittance of five shillings, which is the fee for the acknowledgment authorised by the Policies of Assurance Act, 1867. The policy itself, bearing the assignment endorsed thereon, need not be sent to the Company, as insurance companies do not ordinarily require the production of the original instruments affecting a policy-holder's title until the policy becomes a claim.

Note 2.—Subscribers who proceed to Great Britain or Ireland on quitting the service are advised that under the English Stamp Law assignments or re-assignments are required to be stamped within 30 days of their first arrival in those countries. Otherwise penalty will be incurred under the Stamp Act, and difficulties may arise when the policy matures for payment.

25. **Bonus on Policies.**—The subscriber shall not during the currency of the policy draw any bonus the drawal of which during such currency is optional under the terms of the policy and the amount of any bonus which under the terms of the policy the subscriber has no option to refrain from drawing during its currency shall be paid forthwith into the Fund by the subscriber or in default recovered by reduction from his emoluments by instalments or otherwise as may be directed by the authority competent to sanction an advance for the grant of which special reasons are required under sub-rule (2) of rule 13.

26. **Re-assignment of Policies.**—(1) Save as provided by rule 30, when the subscriber—

- (a) quits the service, or
- (b) has proceeded on leave preparatory to retirement and applies to the Account Officer for re-assignment or return of the policy, or
- (c) while on leave, has been permitted to retire or declare by competent medical authority to be unfit for further service and applies to the Account Officer for re-assignment or return of the policy, or
- (d) pays or repays to the Fund the whole of any amount withheld or withdrawn from the Fund for any of the purposes mentioned in sub-clause (ii) of clause (a) and sub-clauses (i) and (ii) of clause (b) of rule 19, with interest thereon at the rate provided in rule 12,

the Account Officer shall—

- (i) if the policy has been assigned to the President under rule 24, reassign the policy in Form I in the Third Schedule to the subscriber or to the subscriber and the joint assured, as the case may be, and make it over to the subscriber, together with a signed notice of the re-assignment addressed to the insurance company;
- (ii) if the policy has been delivered to him under clause (b) of sub-rule (1) of rule 24 make over the policy to the subscriber:

Provided that, if the subscriber, after proceeding on leave preparatory to retirement, or after being, while on leave, permitted to retire or declared by competent medical authority to be unfit for further service, returns to duty, any policy so reassigned or made over shall, if it has not matured or been assigned or charged or encumbered in any way, be again assigned to the President and delivered to the Account Officer, or again be delivered to the Account Officer, as the case may be, in the manner provided in rule 24, and thereupon the provisions of these rules shall, so far as may be, again apply in respect of the policy:

Provided further that, if the policy has matured or been assigned or charged or encumbered in any way, the provisions of sub-rule (4) of rule 24 applicable to a failure to assign and deliver a policy shall apply.

(2) Save as provided by sub-rule (3) of rule 28, when the subscriber dies before quitting the service, the Account Officer shall—

- (i) if the policy has been assigned to the President under rule 24, re-assign the policy in Form II in the Third Schedule to such person as may be legally entitled to receive it, and shall make over the policy to such person together with a signed notice of the re-assignment addressed to the Insurance Company;
- (ii) if the policy has been delivered to him under clause (b) of sub-rule (1) of rule 24, make over the policy to the beneficiary, if any, or, if there is no beneficiary to such person as may be legally entitled to receive it.

27. Procedure on maturity of policies.—(1) If a policy assigned to the President under rule 24 matures before the subscriber quits the service, or if a policy on the joint lives of a subscriber and his wife, assigned under the said rule, falls due for payment by reason of the wife's death, the Account Officer shall, save as provided by rule 30, proceed as follows:—

- (i) if the amount assured together with the amount of any accrued bonuses is greater than the whole of the amount withheld or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in rule 12, the Account Officer shall reassign the policy in the Form in the Fourth Schedule to the subscriber or to the subscriber and the joint assured as the case may be, and make it over to the subscriber, who shall pay or repay to the Fund the whole of any amount withheld or withdrawn with interest, and in default, the provisions of rule 31 shall apply as they apply in relation to cases where money withheld or withdrawn from the Fund under clause (a) or clause (b) of rule 19 has been utilised for a purpose other than that for which sanction was given to the withholding or withdrawal;
- (ii) if the amount assured together with the amount of any accrued bonuses is less than the whole of the amount withheld or withdrawn with interest, the Account Officer shall realise the amount assured together with any accrued bonuses and shall place the amount so realised to the credit of the subscriber in the Fund.

(2) Save as provided by rule 30, if a policy delivered to the Account Officer under clause (b) of sub-rule (1) of rule 24 matures before the subscriber quits the service, the Account Officer shall make over the policy to the subscriber:

Provided that if the interest in the policy of the wife of the subscriber, or of his wife and children, or any of them, as expressed on the face of the policy, expires when the policy matures, the subscriber, if the policy moneys are paid to

him by the Insurance Company, shall immediately on receipt thereof pay or repay to the Fund either—

- (i) the whole of any amount withheld or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in rule 12 or
- (ii) an amount equal to the amount assured together with any accrued bonuses, whichever is less, and, in default, the provisions of rule 31 shall apply as they apply in relation to cases where money withheld or withdrawn from the Fund under clause (a) or clause (b) of rule 19 has been utilised for a purpose other than that for which sanction was given to the withholding or withdrawal.

28. Procedure on cessation of interest of the subscriber in the family pension Fund.—If the interest of the subscriber in the family pension fund ceases in whole or part from any cause whatsoever, the provident fund account of the subscriber shall forthwith be reimbursed by the amount of the refund, if any, secured by the subscriber from the family pension fund which amount shall, in default of reimbursement, be deducted from the subscriber's emoluments by instalments or otherwise, as may be directed by the authority competent to sanction an advance for the grant of which special reasons are required under sub-rule (2) of rule 13.

29. Lapse or wrongful assignment of policies.—If the policy lapses or becomes assigned otherwise than to the President under rule 24, charged or encumbered, the provisions of sub-rule (4) of rule 24 applicable to a failure to assign and deliver a policy shall apply.

30. Duty of Account Officer when he receives notice of assignment, charge or encumbrance of policies.—If the Account Officer receives notice of—

- (a) an assignment (other than an assignment to the President under rule 24), or
- (b) a charge or encumbrance on, or
- (c) an order of a Court restraining dealings with the policy or any amount realised thereon,

the Account Officer shall not—

- (i) re-assign or make over the policy as provided in rule 26, or
- (ii) realise the amount assured by the policy, or re-assign, or make over the policy as provided in rule 27.

but shall forthwith refer the matter to the Government.

31. Wrongful use of money withheld or withdrawn.—Notwithstanding anything contained in these rules, if the sanctioning authority is satisfied that money withheld or withdrawn from the Fund under clause (a) or clause (b) of rule 19 has been utilised for a purpose other than that for which sanction was given to the withholding or withdrawal of the money, the amount in question, shall, with interest at the rate provided in rule 12, forthwith be repaid or paid, as the case may be, by the subscriber to the Fund, or in default, be ordered to be recovered by deduction in one sum from the emoluments of the subscriber, even if he be on leave. If the total amount to be repaid or paid, as the case may be, be more than half the subscriber's emoluments recoveries shall be made in monthly instalments of moiety of his emoluments till the entire amount is repaid or paid, as the case may be, by him.

NOTE.—The term 'emoluments' in this rule does not include subsistence grant.

32. Restriction of the provisions relating to financing of policies to existing subscribers in respect of existing policies.—The provisions of rules 19 to 31 shall apply only to subscribers who, before the date of publication of these rules, have been substituting in whole or in part, payments towards policies of life insurance for subscriptions to the Fund or making withdrawals from the Fund for such payments:

Provided that such subscribers shall not be permitted to substitute such payments for subscriptions due to the Fund or to withdraw from the Fund for making such payments in respect of any new policy.

Final withdrawal of accumulations in the Fund.

33. Final withdrawal of accumulations in the Fund.—When a subscriber quits the service, the amount standing to his credit in the Fund shall, subject to any deduction under rule 36, become payable to him:

Provided that a subscriber, who has been dismissed from the service and is subsequently re-instated in the service, shall, if required to do so by Government, repay any amount paid to him from the Fund in pursuance of this rule, with interest thereon at the rate provided in rule 12 in the manner provided in the proviso to rule 34. The amount so repaid shall be credited to his account in the Fund, the part which represents his subscriptions and interest thereon, and the part which represents the Government contribution with interest thereon, being accounted for in the manner provided in rule 6.

Explanation.—A subscriber, other than one who is appointed on contract or one who has retired from service and is subsequently re-employed, with or without a break in service, shall not be deemed to quit the service, when he is transferred without any break in service to a new post under a State Government or in another department of the Central Government (in which he is governed by another set of Provident Fund Rules) and without retaining any connection with his former post. In such a case, his subscription and the Government contribution, together with interest thereon, shall be transferred—

- (a) to his account in the other Fund in accordance with the rules of that Fund, if the new post is in another department of the Central Government, or
- (b) to a new account under the State Government concerned, if the new post is under a State Government and the State Government consents, by general or special order, to such transfer of his subscriptions, the Government contribution and interest.

NOTE.—Transfers should be held to include cases of resignations from service in order to take up appointment in another Department of the Central Government or under the State Government without any break and with proper permission of the Central Government. In cases where there has been a break in service, it shall be limited to the joining time allowed on transfer to a different station.

The same shall hold good in cases of retrenchments followed by immediate employment whether under the same or different Government.

34. Retirement of subscriber.—When a subscriber—

- (a) has proceeded on leave preparatory to retirement or, if he is employed in a vacation Department, on leave preparatory to retirement combined with vacation, or
- (b) while on leave, has been permitted to retire or declared by competent medical authority to be unfit for further service,

the amount of subscription and interest thereon standing to his credit in the Fund, shall, upon application made by him in that behalf to the Account Officer, become payable to the subscriber:

Provided that the subscriber, if he returns to duty, shall, if required to do so by Government, repay to the Fund, for credit to his account, the whole or part of any amount paid to him from the Fund in pursuance of this rule, with interest thereon at the rate provided in rule 12 in cash or securities, or partly in cash and partly in securities, by instalments or otherwise, by recovery from his emoluments or otherwise, as may be directed by the authority competent to sanction an advance for the grant of which special reasons are required under sub-rule (2) of rule 13.

35. Procedure on death of subscriber.—Subject to any deduction under rule 36, on the death of a subscriber before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made;

(1) When the subscriber leaves a family—

- (a) if a nomination made by the subscriber in accordance with the provisions of rule 5 in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination;

- (b) if no such nomination in favour of a member or members of the family of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall, notwithstanding any nomination purporting to be in favour of any person or persons other than a member of members of his family become payable to the members of his family in equal shares;

Provided that no share shall be payable to—

- (1) sons who have attained majority;
- (2) sons of a deceased son who have attained majority;
- (3) married daughters whose husbands are alive;
- (4) married daughters of a deceased son whose husbands are alive;

if there is any member of the family other than those specified in clauses (1), (2), (3) and (4):

Provided also that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first proviso.

NOTE.—Any sum payable under these rules to a member of the family of a subscriber vests in such member under sub-section (2) of section 3 of the Provident Funds Act, 1925.

- (ii) When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of rule 5, in favour of any person or persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

NOTE 1.—When a nominee is a dependant of the subscriber as defined in clause (c) of section 2 of the Provident Funds Act, 1925, the amount vests in such nominee under sub-section (2) of section 3 of that Act.

NOTE 2.—When the subscriber leaves no family and no nomination made by him in accordance with the provisions of rule 5 subsists, or if such nomination relates only to part of the amount standing to his credit in the Fund, the relevant provisions of clause (b) and of sub-clause (ii) of clause (c) of sub-section (1) of section 4 of the Provident Funds Act, 1925, are applicable to the whole amount or the part thereof to which the nomination does not relate.

Deductions

36. Deductions.—Subject to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by Government with interest thereon credited under rules 11 and 12, before the amount standing to the credit of a subscriber in the Fund is paid out of the Fund, the President may direct the deduction therefrom and payment to Government of—

- (a) any amount, if a subscriber has been dismissed from the service for grave misconduct:

Provided that, if the order of dismissal is subsequently cancelled, the amount so deducted shall, on his reinstatement in the service, be replaced to his credit in the Fund;

- (b) any amount, if a subscriber resigns his employment under Government within 5 years of the commencement thereof otherwise than by reason of superannuation or a declaration by competent medical authority that he is unfit for further service;

- (c) any amount due under a liability incurred by the subscriber to Government.

NOTE.—For the purpose of clause (b) of this rule, the period of 5 years shall be reckoned from the commencement of the subscriber's continuous service under Government.

Payment.

37. Manner of payment of amount in the Fund.—(1) When the amount standing to the credit of a subscriber in the Fund, or the balance thereof after any deduction under rule 36, becomes payable, it shall be the duty of the Account Officer, after satisfying himself, when no such deduction has been directed under that rule, that no deduction is to be made, to make payment on receipt of a written application in this behalf as provided in sub-rule (3).

(2) If the person to whom, under these rules, any amount or policy is to be paid, assigned, re-assigned or delivered is a lunatic for whose estate a manager has been appointed in this behalf under the Indian Lunacy Act, 1912, the payment or re-assignment or delivery will be made to such manager, and not to the lunatic.

(3) Any person who desires to claim payment under this rule shall send a written application in that behalf to the Account Officer. Payment of amounts withdrawn shall be made in India only. The persons to whom the amounts are payable shall make their own arrangements to receive payment in India.

Note.—When the amount standing to the credit of a subscriber has become payable under Rule 33, 34 or 35, the Account Officer shall authorise prompt payment of that portion of the amount standing to the credit of a subscriber in regard to which there is no dispute or doubt, the balance being adjusted as soon after as may be.

Pensionable Service

38. Procedure on transfer to pensionable service.—(1) If a subscriber is permanently transferred to pensionable service under the President, he shall, at his option, be entitled—

- (a) to continue to subscribe to the Fund, in which case he shall not be entitled to any pension; or
- (b) to earn pension in respect of such pensionable service, in which case, with effect from the date of his permanent transfer—
 - (i) he shall cease to subscribe to the Fund;
 - (ii) the amount of contributions by Government with interest thereon standing to his credit in the Fund shall be repaid to Government;
 - (iii) the amount of subscriptions together with interest thereon standing to his credit in the Fund shall be transferred to his credit in the General Provident Fund, to which thereafter he shall subscribe in accordance with the rules of that Fund, and
 - (iv) he shall be entitled to count towards pension such part of the period as Government may determine.

(2) A subscriber shall communicate his option under sub-rule (1) by a letter to the Account Officer within three months of the date of the order transferring him permanently to pensionable service; and, if no communication is received in the office of the Account Officer within that period, the subscriber shall be deemed to have exercised his option in the manner referred to in clause (a) of that sub-rule.

Procedure Rules

39. Number of account to be quoted at the time of payment of subscription.—When paying subscription in India either by deduction from emoluments or in cash, a subscriber shall quote the number of his account in the Fund already communicated to him by the Account Officer.

Note.—It shall be the duty of the Account Officer to communicate to the subscriber any change in the number assigned to his account.

40. Annual statement of account to be supplied to subscriber.—(1) As soon as possible after the 31st March of each year, the Account Officer shall send to each subscriber a statement of his account in the Fund, showing the opening balance as on the 1st April of the year, the total amount credited or debited during the year, the total amount of interest credited as on the 31st March of the year and

the closing balance on that date. The Account Officer shall attach to the statement of account an enquiry whether the subscriber—

(a) desires to make any alteration in any nomination made under rule 5;

(b) has acquired a family in cases where the subscriber has made no nomination in favour of a member of his family under the proviso to sub-rule (1) of rule 5.

(2) Subscribers should satisfy themselves as to the correctness of the annual statement, and errors should be brought to the notice of the Account Officer within three months from the date of receipt of the statement.

(3) The Account Officer shall, if required by subscriber, once, but not more than once in a year, inform the subscriber of the total amount standing to his credit in the Fund at the end of the last month for which his account has been written up.

General

41. **Relaxation of the provisions of the rules in individual cases.**—When the President is satisfied that the operation of any of these rules causes or is likely to cause undue hardship to a subscriber, he may, notwithstanding anything contained in these rules deal with the case of such subscriber in such manner as may appear to him to be just and equitable.

42. **Interpretation.**—If any question arises relating to the interpretation of these rules, it shall be referred to the Central Government whose decision thereon shall be final.

43. **Repeal.**—The Contributory Provident Fund Rules (India) are hereby repealed.

FIRST SCHEDULE

[See rule 5(3)]

Forms of Nomination

I. When the subscriber has a family and wishes to nominate one member thereof.

I hereby nominate the person mentioned below, who is a member of my family as defined in rule 2 of the Contributory Provident Fund Rules (India), 1962, to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable, has not been paid :—

Name and address of nominee	Relationship with subscriber	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person/persons, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber

Dated this day of 19
at

Signature of subscriber.

Two witnesses to signature.

1.

2.

I hereby nominate the persons mentioned below, who are members of my family as defined in rule 2 of the Contributory Provident Fund Rules (India), 1962, to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:—

Name and address of nominees	Relationship with subscriber	Age	*Amount or share of accumulations to be paid to each	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person/persons if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber

Dated this.....day of.....19
at.....

Signature of subscriber

Two witnesses to signature.

I.....

2.....

*NOTE :—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

III. When the subscriber has no family and wishes to nominate one person.

I, having no family as defined in rule 2 of the Contributory Provident Fund Rules (India), 1962, hereby nominate the person mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid :—

Name and Address of nominee	Relationship with subscriber	Age	**Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person/persons, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber

Dated this day of 19
at,

Signature of subscriber.

Two witnesses to signature.

1.

2.

****NOTE :—** Where a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

I, having no family as defined in rule 2 of the Contributory Provident Fund Rules (India) 1962, hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund in the event of my death before that amount has become payable, or having become payable has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:—

Name and address of nominees	Relationship with subscriber	Age	* Amount or share of accumulations to be paid to each	**Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person/ persons, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.

Dated this.....day of.....19
at.....

Two witness to signature

I.....

2.

*NOTE :—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

****NOTE :-**Where a subscriber who has no family makes a nomination he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

SECOND SCHEDULE (RULE 24).

Forms of Assignment.

(1)

I, A. B., of.....hereby assign unto the President of India the within policy of assurance as security for payment of all sums which under rule 29 of the Contributory Provident Fund Rules (India), 1962, I may hereafter become liable to pay to the Contributory Provident Fund (India).

I hereby certify that no prior assignment of the within policy exists.

Dated this.....day of.....19

Station.....

Signature of subscriber,

One witness to Signature.

(2)

We, A. B. (the subscriber) of.....and C. D. (the joint assured) of.....in consideration of the President of India agreeing at our request to accept payments towards the within policy of assurance in substitution for the subscriptions payable by me the said A.B. to the Contributory Provident Fund (India) (or, as the case may be, to accept the withdrawal of the sum of Rs.....from the sum to the credit of the said A. B. in the Contributory Provident Fund (India) for payment of the premium of the within policy of assurance), hereby jointly and severally assign unto the said President of India the within policy of assurance as security for payment of all sums which under rule 29 of the rules of the said Fund, the said A.B. may hereafter become liable to pay to that Fund.

We hereby certify that no prior assignment of the within policy exists.

Dated this.....day of.....19

Station.....

Signature of subscriber,
and the Joint Assured.

(3)

I, C.D., wife of A.B. and the assignee of the within policy, having at the request of A.B., the assured, agreed to release my interest in the policy in favour of A.B., in order that A.B. may assign the policy to the President of India who has agreed to accept payments towards the within policy of assurance in substitution for the subscriptions payable by A.B. to the Contributory Provident Fund (India) hereby at the request and by the direction of A.B. assign and I the said A.B. assign and confirm unto the President of India the within policy of assurance as security for payment of all sums which under rule 29 of the rules of the said Fund, the said A.B. may hereafter become liable to pay to the Fund.

We hereby certify that no prior assignment of the within policy exists.

Dated this.....day of.....19

Station.....

Signature of the assignee and the subscriber.

One witness to signature.

(4)

Form of single tenant assignment to be used in cases where a subscriber to the..... Provident Fund who has effected an insurance policy under the rules of that Fund is admitted to the Contributory Provident Fund (India).

I..... of
 (Subscriber's name) (Subscribers' address)
 assign unto the President of India the within policy of assurance as security for the payment of all sums which under rule 29 of the Contributory Provident Fund Rules (India), 1962, the said.....
may hereafter become liable to pay to the contributory Provident Fund
 (subscriber's name)
 (India).

I hereby certify that except an assignment to the President of India/Governor of the State of.....
as security for payment of all sums which the said.....
 (subscriber's name)
 has become liable to pay under Rule.....of the.....
 Provident Fund Rules, no prior assignment of the within policy exists.

Dated this.....day of.....19

Station.....

one witness.....

Signature of the subscriber.

(5)

Form of joint tenant assignment to be used in cases where a subscriber to the Provident Fund who has effected an insurance policy under the Rules of that Fund is admitted to the Contributory Provident Fund (India)

We of
 (subscriber's name) (subscriber's address)
 and, wife of
 (Wife's name)
 hereby jointly and severally further assign unto the President of India the within policy of assurance as a security for the payment of all sums which under rule 29 of the Contributory Provident Fund Rules (India), 1962, the said may
 (subscriber's name)
 hereafter become liable to pay to the Contributory Provident Fund (India).

We hereby certify that except an assignment to the President of India/Governor of the State of as security for payment of all sums which the said has
 (subscriber's name)
 become liable to pay under rule of the
 Provident Fund Rules, no prior assignment of the within policy exists.

Dated this day of 19

Station

One witness

Signature of the subscriber and the joint tenant.

NOTE :—The assignment may be executed on the policy itself either in the subscriber's hand-writing or in type, or alternatively a typed or printed slip containing the assignment may be pasted on the blank space provided for the purpose on the policy. A typed or printed endorsement must be duly signed and if pasted on the policy it must be initialled across all four margins.

THIRD SCHEDULE (RULE 26)]

Forms of Reassignment and Assignment by the President of India

Form I

All sums which have become payable by the above-named A.B. under rule 29 of the Contributory Provident Fund Rules (India), 1962, having been paid and or all liability for payment by him of any such sums in the future having ceased the President of India doth hereby re-assign the within policy of assurance to the said A. B.

A. B. and C. D.

Dated this day of 19

Executed by }
 Account Officer of the Fund for }
 and on behalf of the President of India in the presence of } (Signature of the Account Officer).
 X. Y.

Y. Z.

(One witness who should add his designation and address).

Form II.

The above named A.B. having died on the.....day of.....
19, the President of India doth hereby assign the within policy of
 assurance to C.D.....

Dated this.....day of.....19

Executed by..... }
 Account Officer of the Fund for and on behalf of the President of } X. Y.
 India in the presence of } (Signature of the Account
 Officer).

Y. Z.

(One witness who should add his designation and address).

FOURTH SCHEDULE

(RULE 27)

Form of Reassignment by the President of India.

The President of India doth hereby reassign the within policy to the said A. B.

A. B. and C.D.

Dated this.....day of.....19

Executed by..... }
 Account Officer of the Fund for and on behalf of the President of } X. Y.
 India in the presence of } (Signature of the Account
 Officer).

Y. Z.

(One witness who should add his designation and address).

FIFTH SCHEDULE

(RULE 13)

Authorities competent to grant temporary advances.

1. An advance for the grant of which special reasons are not required under sub-rule (2) of rule 13, may be sanctioned by the authority competent to grant an advance of pay on transfer under rule 265 of the General Financial Rules, Volume 1, or, if the applicant is competent to sanction the advance of pay to himself on transfer, by the administrative authority next higher to the applicant.

NOTE:—Advances to temporary Government servants may be sanctioned by the authority who is competent to sanction advance of pay on transfer for permanent Government servants.

2. An advance for the grant of which special reasons are required under sub-rule (2) of rule 13 may be sanctioned by—

A Ministry or a Department of the Government of India.

A Chief Commissioner/Lieutenant-Governor.

An authority declared by the Central Government to be the Head of a Department under clause (10) of rule 2 of the Supplementary Rules, but not including any authority declared to be the Head of a Department by a Chief Commissioner/Lieutenant-Governor.

*Fill in particulars of person legally entitled to receive the policy.

The General Managers, Managers, Works Managers and Assistant Managers (Technical) of the Government of India Presses, functioning as heads of Presses.

The Manager of the Forms Press, Aligarh.

The Controller of Stationery.

The Manager of the Forms Press, Calcutta.

The Manager of Publications, New Delhi.

The Controller of Patents and Designs.

Provided that where the appointing authority of the applicant is higher than the Head of Department or other authority mentioned in the above list under whose administrative control he is serving, the Head of Department or other authority, as the case may be, shall not reject his application for an advance save with the approval—

(a) of the Comptroller and Auditor-General, in the case of officers of the Indian Audit and Accounts Service, and

(b) of the appointing authority, in other cases;

Provided further that where the applicant for an advance for which special reasons are required, is himself competent to sanction the advance under the aforesaid provisions, the authority competent to sanction the advance shall be—

(i) in the case of officers of the Indian Audit and Accounts Service, the Comptroller and Auditor-General;

(ii) in other cases, the appointing authority of the applicant.

[No. F. 11(2)-EV(B)/61.].

N. K. BHOJWANI, Dy. Secy.

MEMORANDUM EXPLANATORY OF THE CONTRIBUTORY PROVIDENT FUND RULES (INDIA), 1962

(Against each rule, the corresponding rule in the rules previously in force has been given within brackets.)

Rule 1 (Rule 1).—The rules come into force at once.

Rule 2 (Rule 2).—(1) (i) The definition of 'Account Officer' has been enlarged to include the Pay & Accounts Officer.

(ii) Reference to sterling overseas pay has been omitted from the definition of 'emoluments' as no one who is subject to these rules is in receipt of such pay.

Dearness pay has been included in the term 'emoluments'. This is necessary to cover cases of those Government servants who may not elect the revised scales of pay under the Central Civil Services (Revised Pay) Rules, 1960.

(v) The definition of 'leave' has been enlarged to include leave under the Revised Leave Rules, 1933.

(3) This is a new sub-rule and is self-explanatory.

Rule 3 (Rule 3).—Rule 29 in the rules previously in force has been incorporated as sub-rule (2).

Rule 4 (Rule 4).—Apart from certain verbal amendments, the foot-note regarding admission of re-employed pensioners to the benefits of the Fund has been inserted as a note below sub-rule (1). Sub-rule (3) of the rule previously in force has been deleted in view of the provision made in sub-rule (3) of rule 2.

Rule 5 (Rule 5).—A sentence has been added at the end of clause (a) of sub-rule (5). This is self-explanatory.

*Rule 6 (Rule 6).—*A new item (v) has been added at the end of the rule.

*Rule 7 (Rule 7).—*The subscription will not now be optional during leave on, average pay or earned leave of less than one month or 30 days' duration, as the case may be.

*Rule 8 (Rule 8).—*Under sub-rule (4) a subscriber can now reduce the subscription also once in the course of a year.

*Rule 9 (Rule 8A).—*No change.

*Rule 10 (Rule 9).—*In sub-rule (1) the provision relating to sterling overseas pay has been deleted.

*Rule 11 (Rule 10).—*No change.

*Rule 12 (Rule 11).—*No change.

*Rule 13 (Rule 12).—*This rule has been modified on the lines of rule 12 of the General Provident Fund (Central Services) Rules, 1960 as amended. In ordinary cases, an advance is limited to three months' pay or one-half of the amount of subscription with interest thereon standing to the credit of the subscriber. In special cases, the limit may be raised to the extent of the amount of subscription with interest thereon as provided in sub-rule (2).

*Rule 14 (Rule 14).—*The recovery of the advance cannot now be postponed when a subscriber is on leave on average pay or earned leave of less than one month or 30 days' duration, as the case may be.

The word 'Mahammadan' has been omitted from the proviso to clause (a) of sub-rule (4) and to sub-rule (5).

*Rule 15 (Rule 22A).—*This rule incorporates the provisions in rule 22A of the rules previously in force confining it to advances. Rule 31 is confined to withholding or withdrawal of money from the Fund for purposes of financing insurance policies.

*Rule 16 (New Rule).—*This rule lays down the conditions of eligibility and also specifies the purposes for which final withdrawals are allowed. Provision has also been made for final withdrawal to meet medical expenses, including where necessary, the travelling expenses.

*Rule 17 (New Rule).—*The amount of the withdrawal shall not ordinarily exceed six months' pay or one-half of the amount of subscription with interest thereon standing to the credit of the subscriber in the Fund, whichever is less. The sanctioning authority can sanction an amount in excess of this limit but only up to three-fourths of the amount of subscription with interest thereon standing to the credit of the subscriber.

Sub-rule (2) contains a penal provision to cover cases where a subscriber withdraws money from the Fund and does not use it for the purpose for which the withdrawal is made. All the other conditions prescribed from time to time have been done away with in order to simplify the rules.

For the purpose of this rule also pay has been taken to include dearness pay, where admissible.

*Rule 18 (New Rule).—*This rule provides for conversion of an advance into a final withdrawal subject to the conditions laid down in rules 16 and 17.

Rules 19 to 30 (Rules 15 to 22).—These rules incorporate the provisions contained in rules 15 to 22 of the rules previously in force, with a few verbal amendments here and there. Under rules 25 and 28 the power previously vested in the President and Government respectively, will now be exercised by the authority competent to sanction an advance for the grant of which special reasons are required under sub-rule (2) of rule 13.

Rule 31 (Rule 22A).—This corresponds to rule 22A of the rules previously in force but is confined to withholding or withdrawal of money from the Fund for financing insurance policies. A separate rule 15 has been included relating to advances.

Rule 32 (New Rule).—This is a new rule making the provisions contained in rules 19 to 31 applicable only to subscribers who were financing their insurance policies from the Fund before the date of publication of these rules. This rule does not, however, permit those subscribers to finance any new policy from the Fund.

Rule 33 (Rule 23).—No change.

Rule 34 (Rule 24).—Under the proviso to this rule the power previously vested in the President will now be exercised by the authority competent to sanction an advance for the grant of which special reasons are required under sub-rule (2) rule 13.

Rule 35 (Rule 25).—No change.

Rule 36 (Rule 26).—A note has been inserted below this rule incorporating the decision conveyed in the Ministry of Finance (Department of Expenditure) Office Memorandum No. F. 57(6)-EVB/60, dated the 29th June 1960.

Rule 37 (Rule 27).—In sub-rule (1) provision has been made requiring the submission of a written application for withdrawal of the accumulations in the Fund when they become payable.

Rule 38 (Rule 28).—In clause (iii) of sub-rule (1) the earlier provision regarding optional subscription to the General Provident Fund has been omitted since subscription to the General Provident Fund is now compulsory.

The words 'during which he subscribed to the Fund' contained in clause (iv) of this sub-rule has been omitted as service during which a subscriber did not subscribe to the Fund is also allowed to count towards pension in certain circumstances.

Rule 39 (Rule 30).—No change.

Rule 40 (Rule 31).—No change.

Rule 41 (New Rule).—This corresponds to rule 35 of the All India Services (Provident Fund) Rules, 1955

Rule 42 (New Rule).—This relates to interpretation of rules.

Rule 43 (New Rule).—This is a repealing clause.

Schedules.—In the fifth schedule, all the heads of Presses have been included in the list as in the fifth schedule to the General Provident Fund (Central Services) Rules, 1960.

(Department of Expenditure)

New Delhi, the 23rd April 1962

S.O. 1312.—In exercise of the powers conferred by the proviso to article 148 of the Constitution, the President, after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the General Provident Fund (Central Services) Rules, 1960, namely:—

These rules may be called the General Provident Fund (Central Services) Third Amendment Rules, 1962.

2. In the General Provident Fund (Central Services) Rules, 1960,—

(i) for sub-rule (1) of rule 15, the following shall be substituted, namely:—

“(1) Subject to the conditions specified herein withdrawals may be sanctioned by the authorities competent to sanction an advance for special reasons under sub-rule (2) of rule 12, at any time—

(I) After the completion of twenty-five years of service (including broken periods of service if any) of a subscriber or within five years before the date of his retirement on superannuation, whichever is earlier, from the amount standing to his credit in the Fund, for one or more of the following purposes, namely:—

(a) meeting the cost of higher education, including where necessary, the travelling expenses of any child of the subscriber actually dependent on him in the following cases, namely:—

(i) for education outside India for academic, technical professional or vocational course beyond the High School stage, and

(ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage, provided that the course of study is for not less than three years.

(b) meeting the expenditure in connection with the marriage of a son or a daughter of the subscriber and if he has no daughter, of any other female relation dependent on him;

(c) meeting the expenses in connection with the illness, including where necessary the travelling expenses, of the subscriber or any person actually dependent on him; and

(II) After the completion of twenty years of service (including broken periods of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation, whichever is earlier, from the amount standing to his credit in the Fund, for one or more of the following purposes, namely:—

(a) building or acquiring a suitable house for his residence including the cost of the site or repaying any outstanding amount on account of the loan expressly taken for this purpose before the date of receipt of the application for withdrawal but not earlier than twelve months of that date, or reconstructing, or making additions or alterations to a house already owned or acquired by a subscriber;

(b) purchasing a house site or repaying any outstanding amount on account of loan expressly taken for this purpose before the date of receipt of the application for the withdrawal but not earlier than twelve months of that date;

(c) for constructing a house on a site purchased utilising the sum withdrawn under clause (b);

NOTE.—A subscriber who has availed himself of an advance under the scheme of the Ministry of Works, Housing and Supply for the grant of advances for house-building purpose, or has been allowed any assistance in this regard from any other Government source, shall be eligible for the grant of final withdrawal under sub-clause (a), (b) and (c) of clause (II), for the purposes specified therein and also for the purpose of repayment of any loan taken under the aforesaid scheme subject to the limit specified in the proviso to sub-rule (1) of rule 16.”

(ii) to sub-rule (1) of rule 16, the following proviso shall be added, namely:—

“Provided that in the case of a subscriber who has availed himself of an advance under the scheme of the Ministry of Works, Housing and Supply for the grant of advances for house-building purpose, or has been allowed any assistance in this regard from any other Government source, the sum withdrawn under this sub-rule together with the amount of advance taken under the aforesaid scheme or the assistance taken from any other Government source shall not exceed Rs. 75,000 or five years' pay, whichever is less.”

(iii) in rule 16A, for the words, brackets and figures “sub-rule (1) of rule 15”, the words, brackets and figures “clause (II) of sub-rule (1) of rule 15” shall be substituted.

[No. F. 4(17)-EV(B)/61.]

V. K. SUBRAMANIAN, Under Secy.

(Department of Economic Affairs)

New Delhi, the 25th April 1962

S.O. 1313.—In exercise of the powers conferred by clause (1) of article 299 of the Constitution, the President hereby directs that any of the Officers specified below may sign and execute on his behalf any instrument connected with the reconveyance of property given as security against loans advanced by Rehabilitation Finance Administration, namely:—

- (i) The Administrator, Rehabilitation Finance Administration Unit of the Ministry of Finance;
- (ii) The Officer-in-Charge, Rehabilitation Finance Administration Unit, Calcutta.
- (iii) The Assistant Superintendent of Advances (Law), Rehabilitation Finance Administration Unit, New Delhi.

[No. F. 7(5)-Corp/62.]

M. R. YARDI, Jt. Secy.

(Department of Economic Affairs)

New Delhi, the 25th April, 1962

S.O. 1314.—Statement of the Affairs of the Reserve Bank of India, as on the 13th April, 1962

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	12,40,59,000
Reserve Fund	80,00,00,000	Rupee Coin	2,05,000
National Agricultural Credit (Long-term Operations) Fund	50,00,00,000	Subsidiary Coin	4,15,000
National Agricultural Credit (Stabilisation) Fund	6,00,00,000	Bills Purchased and Discounted:—	
Deposits:—		(a) Internal . . . . .	..
(a) Government		(b) External . . . . .	..
(1) Central Government	83,26,87,000	(c) Government Treasury Bills	89,96,41,000
(2) Other Governments	3,88,50,000	Balances held abroad*	6,16,34,000
(b) Banks	86,38,87,000	**Loans and Advances to Governments	119,22,23,000
(c) Others	153,34,38,000	Other Loans and Advances†	135,35,58,000
Bills Payable	27,64,45,000	Investments	157,70,01,000
Other Liabilities	60,28,85,000	Other Assets	34,94,56,000
	<hr/>		<hr/>
	Rupees 555,81,92,000		Rupees 555,81,92,000

*Includes Cash & Short-term Securities.

****Includes Temporary Overdrafts to State Governments.**

†The item 'Other Loans and Advances' includes Rs.14,00,50,000/- advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

Dated, the 18th day of April, 1962.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 13th day of April, 1962

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	12,40,59,000		A. Gold Coin and Bullion:—		
Notes in circulation	2149,31,73,000		(a) Held in India . . .	117,76,03,000	
Total Notes issued		2161,72,32,000	(b) Held outside India . . .	..
			Foreign Securities . . .	113,86,07,000	
			TOTAL OF A . . .		231,62,10,000
			B. Rupee Coin . . .		118,01,45,000
			Government of India Rupee Securities . . .		1812,08,77,000
			Internal Bills of Exchange and other commercial paper . . .		
TOTAL LIABILITIES . . .		2161,72,32,000	TOTAL ASSETS . . .		2161,72,32,000

Dated the 18th day of April, 1962.

P. C. BHATTACHARYYA,
Governor.

[No. F. 3(2)-BC/62.]

New Delhi, the 27th April 1962

S.O. 1315.—In pursuance of clause (d) of sub-section (1) of section 19, read with clause (b) of sub-section (2) and sub-section (3) of section 25 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby nominates Shri Krishna Kumar Birla, 17, Gurusaday Road, Ballygunge, Calcutta-19, as a director of the Central Board of the State Bank of India in the vacancy caused by the resignation of Shri Sachindra Chaudhuri.

[No. F. 8/46/62-SB.]

New Delhi, the 30th April 1962

S.O. 1316—Statement of the Affairs of the Reserve Bank of India, as on the 20th April, 1962.

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	21,07,42,000
Reserve Fund	80,00,00,000	Rupee Coin	2,23,000
National Agricultural Credit (Long-term Operations) Fund	50,00,00,000	Subsidiary Coin	4,03,000
National Agricultural Credit (Stabilisation) Fund	6,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal	
		(b) External	
		(c) Government Treasury Bills	63,00,44,000
Deposits :—			
(a) Government			
(i) Central Government	51,05,75,000	Balances held abroad*	9,02,65,000
(2) Other Governments	6,86,09,000	**Loans and Advances to Governments	125,87,49,000
(b) Banks	88,51,50,000	Other Loans and Advances†	131,56,16,000
(c) Others	156,55,80,000	Investments	152,11,24,000
Bills Payable	31,42,31,000	Other Assets	35,12,90,000
Other Liabilities	62,43,11,000		
RUPES	537,84,56,000	RUPES	537,84,56,000

*Includes Cash & Short-term Securities.

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 12,47,00,000/- advanced to scheduled banks against usance bills under Section 17 (4) (c) of the Reserve Bank of India Act.

Dated the 25th day of April, 1962.

AN Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 20th day of April, 1962

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	21,07,42,000		A. Gold Coin and Bullion :—		
Notes in circulation	<u>21,41,06,00,000</u>		(a) Held in India	117,76,03,000	
Total Notes issued		2162,13,42,000	(b) Held outside India		
			Foreign Securities	<u>108,86,07,000</u>	
			TOTAL OF A		226,62,10,000
			B Rupee Coin		118,47,50,000
			Government of India Rupee Securities		1817,03,82,000
			Internal Bills of Exchange and other commercial paper		
TOTAL LIABILITIES		2162,13,42,000	TOTAL ASSETS		2162,13,42,000

Dated the 25th day of April, 1962.

P. C. BHATTACHARYYA,
Governor.

[No. F. 3(2)-BC/62.]

A. BAKSI, Jt. Secy.

(Department of Economic Affairs)

INSURANCE

New Delhi, the 26th April 1962

S.O. 1317.—In pursuance of the provisions of sub-section (2) of section 64-G of the Insurance Act, 1938, the Central Government hereby nominates Shri D. Hammond Giles of the Alliance Assurance Company Limited, Calcutta, as a member of the Executive Committee of the General Insurance Council of the Insurance Association of India in place of Shri H. D. R. Edwards, resigned.

[No. F. 51(31)-INS(I)/61.]

P. GANGULEE, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 1st May 1962

S.O. 1318.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act, shall not apply to the Coimbatore Varthaka Vridhi Bank Ltd., Coimbatore in respect of the properties held by it at Vellanaipatti, Coimbatore District, Madras, till the 15th September, 1962, and in respect of the properties held by it at Rajapuram, Tiruchirappalli District, Madras, till the 15th March, 1963.

[No. F. 15(4)-BC/62.]

D. N. GHOSH, Dy. Secy.

(Department of Revenue)

INCOME-TAX ESTABLISHMENTS

New Delhi, the 25th April 1962

S.O. 1319.—In pursuance of clause (b) of Sub-rule (ii) of rule 2 of the Appellate Tribunal Rules, 1946, the Central Government has been pleased to appoint Shri J. Pathak, Income-tax Officer, Class I, as Authorised Representative, Income-tax Appellate Tribunal Patna, with effect from the forenoon of 9th April, 1962, to appear, plead and act for any Income-tax authority who is a party to any proceedings before the Income-tax Appellate Tribunal.

[No. 72.]

S.O. 1319-A.—Consequent on his posting as Appellate Assistant Commissioner of Income-tax, Baroda, the powers conferred on Shri S. V. Nerurkar, by the Ministry of Finance (Department of Revenue) Notification No. 319-Income-tax Establishments, dated 24th December 1960, are hereby withdrawn.

[No. 73.]

P. S. KAICKER, Under Secy.

CENTRAL BOARD OF REVENUE

New Delhi, the 26th April 1962

S.O. 1320.—In exercise of the powers conferred by sub-section (1) of section 121 of the Income-tax Act, 1961 (43 of 1961) and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby directs that Shri K. M. S. Reddy, a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes or classes of incomes or such cases or classes of cases as are comprised in the Income-Tax Circles, Wards or Districts in the State of Kerala and the Union Territory of Laccadive, Minicoy and Amindivi Islands:

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-Tax Authority subordinate to him:

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any Income-tax authority outside his jurisdictional area.

While performing the said functions the said Shri Reddy shall be designated as the Commissioner of Income-tax, Kerala with headquarters at Ernakulam.

This Notification shall take effect from the 31st March, 1962 (afternoon).

Explanatory Note

NOTE.—The amendments have become necessary due to a change in the incumbent of the Commissioner's post.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 16 (F. No. 55/1/62-IT).]

INCOME-TAX

New Delhi, the 30th April 1962

S.O. 1321.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of all previous notifications in this regard, the Central Board of Revenue hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in column 1 of the schedule below shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

Range	Income-tax Circles, Wards and Districts
1	2
Indore	<ol style="list-style-type: none"> 1. A-Ward- Indore. 2. B-Ward, Indore. 3. C-Ward, Indore. 4. D-Ward, Indore. 5. E-Ward, Indore. 6. A-Ward, Ratlam. 7. B-Ward, Ratlam. 8. Special Investigation Circle, Indore. 9. Special Estate Duty-cum-Income-tax Circle, Indore.
Gwalior	<ol style="list-style-type: none"> 1. A-Ward, Gwalior. 2. B-Ward, Gwalior. 3. C-Ward, Gwalior. 4. D-Ward, Gwalior. 5. A-Ward, Ujjain. 6. B-Ward, Ujjain. 7. C-Ward, Ujjain. 8. F-Ward, Indore. 9. G-Ward, Indore. 10. H-Ward, Indore. 11. J-Ward, Indore. 12. Khandwa.
Jabalpur	<ol style="list-style-type: none"> 1. A-Ward, Jabalpur. 2. B-Ward, Jabalpur. 3. C-Ward, Jabalpur. 4. Addl. A-Ward, Jabalpur. 5. Sagar. 6. Bilaspur. 7. A-Ward, Satna. 8. B-Ward, Satna. 9. A-Ward, Bhopal. 10. B-Ward, Bhopal. 11. Special Investigation Circle, Jabalpur.
A-Range, Nagpur	<ol style="list-style-type: none"> 1. Special Investigation Circle 'A' Nagpur. 2. Special Investigation Circle, 'B' Nagpur. 3. Salary Circle, Nagpur. 4. A-Ward, Nagpur.

1

2

5. B-Ward, Nagpur.
6. C-Ward, Nagpur.
7. Itarsi.
8. A-Ward, Raipur.
9. B-Ward, Raipur.
10. Addl. B-Ward, Raipur.
11. Special Estate Duty-cum-Income-tax Circle, Nagpur.

B-Range, Nagpur

1. D-Ward, Nagpur.
2. E-Ward, Nagpur.
3. F-Ward, Nagpur.
4. G-Ward, Nagpur.
5. Rajnandgaon.
6. Raigarh.
7. Durg.
8. Chhindwara.

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, on and from the date of this notification, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall come into force on the 1st day of May 1962.

Explanatory Note

New Delhi, the 1st May 1962

The amendments have become necessary on account of the Re-organisation of the Appellate Assistant Commissioners' Ranges in the charge of the Commissioner of Income-tax Madhya Pradesh.

(The note does not form a part of the notification but is intended to be merely clarificatory).

No. 17 (F. No. 50/11/62-IT.)

INCOME-TAX

New Delhi, the 1st May 1962

S.O. 1322.—In exercise of the powers conferred by sub-section (1) of section 122 of Income-tax Act, 1961 (43 of 1961) and in supersession of all its previous notifications in this regard, the Central Board of Revenue hereby directs that the Appellate Assistant Commissioners of Income Tax of the Ranges specified in column 1 of Schedule below shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

Range 1	Income-tax Circles, Wards and Districts 2
‘A’ Range, New Delhi	<ol style="list-style-type: none"> 1. Income-tax-cum-Wealth Tax Circle I & VII, New Delhi. 2. Companies Circles, New Delhi except companies circle II, New Delhi. 3. Central Circle I(I), V, VI & VII Delhi. 4. B-I, B-I(I), B-III & B-XVI Distt., New Delhi. 5. All Contractors Circles, New Delhi. 6. Ward No. VIII, Delhi. 7. Evacuee Circle, New Delhi. 8. Salary Circles, Delhi. 9. All private Salary Circles, New Delhi.

I

2

'B' Range, New Delhi	<p>1. Income-tax-Cum-Wealth Tax Circles III & IX, New Delhi.</p> <p>2. Special Circle, New Delhi.</p> <p>3. Additional Special Circle-II, New Delhi.</p> <p>4. Special Investigation Circles A, B & C, New Delhi.</p> <p>5. A-I, A-I(1), A-II, A-III, A-IV & A-IV(1) Districts, New Delhi.</p> <p>6. All Business Circles, New Delhi.</p> <p>7. Central Circle-II, New Delhi.</p> <p>8. Ward Nos. VI, IX(I), IX(1.1), (III), IX(IV), & IX(V), Delhi.</p> <p>9. B-II & B-VIII Distts., New Delhi.</p>
'C' Range, New Delhi.	<p>1. I. T.-cum-Wealth Tax Circle IV and VIII, New Delhi.</p> <p>2. Companies Circle-II, New Delhi.</p> <p>3. Central Circles II, III & IV, New Delhi.</p> <p>4. Estate Duty-Cum-I.T. Circle, New Delhi.</p> <p>5. B-XIV, B-XV & B-XV(I) Distts., New Delhi.</p> <p>6. Foreign Section, Delhi.</p> <p>7. Survey Wards Nos. I & II, Delhi.</p> <p>8. Ward Nos. I, I(1), I(2), II, III, IV & V, Delhi.</p> <p>9. CI, C-I(I), C-II & C-III, Distts., New Delhi.</p>
'D' Range, New Delhi	<p>1. I. T.-Cum-Wealth Tax Circle V, New Delhi.</p> <p>2. B-IX, B-X, B-XI & B-XI(I), B-XII, B-XII(I), B-XIII, B-XIII(I), Distts., New Delhi.</p> <p>3. Wards No. VII(I), VII(2), VII(3) and VII(4), Delhi.</p> <p>4. Central Circle-I, New Delhi.</p>
'E' Range, New Delhi	<p>1. I.T.-Cum-Wealth Tax Circle-II, New Delhi.</p> <p>2. B-IV & B-IV(I) Distts., New Delhi.</p> <p>3. B-XVIII & B-XVIII(I) Distts., New Delhi.</p> <p>4. I.T.-Cum-Wealth Tax Circle VI, New Delhi.</p> <p>5. Additional Alwar.</p>
'F' Range, New Delhi	<p>1. B-V, B-V(I), B-VI, B-VI(1), B-VII, B-VII(1), B-XVII, B-XVII(1), B-XVII(2), B-XVII(3) and B-XVII(4) Distts., New Delhi.</p> <p>2. Alwar</p>
'A' Range, Jaipur	<p>1. A, Addl. A, B, Addl. B & C Wards, Jaipur.</p> <p>2. Special Investigation Circles A & B, Jaipur.</p> <p>3. All Income tax Wards having headquarters at Kotah.</p>
'B' Range Jaipur	<p>1. Estate Duty-Cum-I. T. Circle, Jaipur.</p> <p>2. D, E, F, & G. Wards, Jaipur.</p> <p>3. Beawar.</p> <p>4. All Income tax Wards having headquarters at Sriganganagar.</p> <p>5. Bharatpur, A & B Wards, Bharatpur.</p> <p>6. Multipurpose Project Circle, Ajmer.</p>
Jodhpur	<p>1. All Income-tax Wards, having headquarters at Jodhpur.</p> <p>2. All Income-tax Wards having headquarters at Bikaner.</p>
Udaipur	<p>1. All Income-tax Wards having headquarters at Udaipur.</p> <p>2. A & B Wards, Ajmer.</p> <p>3. Bhilwara.</p>

When an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, on and from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant

Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall come into force from the 2nd day of May, 1962.

[No. 18 (F. No. 50/10/62-IT).]

D. V. JUNNARKAR, Under Secy.

CUSTOMS

New Delhi, the 5th May, 1962.

S.O. 1323.—In exercise of the powers conferred by section 4 of the Land Customs Act, 1924 (19 of 1924), the Central Board of Revenue hereby directs that the following further amendment shall be made in its notification No. 22-Customs dated the 2nd February, 1962, namely:—

In the Schedule annexed to the said notification, under the heading "C-Land Customs areas under the jurisdiction of the Collector of Land Customs, Shillong", under the sub-heading "Shillong Circle", after the entry "(g) Duba Channel" in column 2 against Bholaganj, the following entry shall be inserted, namely:—

"(h) DEAR VALLEY".

[No. 66/F. No. 2/1/62-L.C.I.]

LAND CUSTOMS

New Delhi, the 5th May 1962

S.O. 1324.—In exercise of the powers conferred by section 4 of the Land Customs Act, 1924, (19 of 1924), the Central Board of Revenue hereby makes the following further amendment in its Notification No. 22-Customs dated the 2nd February, 1952, namely:—

In the Schedule annexed to the said notification, under the heading "C-Land Custom Areas under the jurisdiction of the Collector of Central Excise and Land Customs, West Bengal, Calcutta", under the sub-heading "Howrah and Calcutta Area", for item 37 and the entries relating thereto, the following shall be substituted, namely:—

"37. (a) No. 4 Calcutta Jetties.

(b) No. 6 Calcutta Jetties.

The river routes from Calcutta to East Pakistan via Namkhana".

[No. 4/F. No. 2/4/62-L.C.I.]

L. S. MARTHANDAM, Under Secy.

COLLECTORATE OF CENTRAL EXCISE: WEST BENGAL: CALCUTTA

CENTRAL EXCISES

Calcutta, the 3rd April 1962

S.O. 1325.—In exercise of the powers under Rule 233 of the Central Excise Rules, 1944, the undersigned hereby directs that all manufacturers of Cosmetics and Toilet Preparations including those whose products are exempt from the payment of Central Excise Duty under the provisions of the Government of India, Ministry of Finance (Department of Revenue) Notification No. 107/61-CE dated 20th April 1961 shall affix a label to each of their products showing the following particulars.

1. The name of the manufacturer.
2. The number of the Central Excise Licence in form L. 4.
3. The name of the product together with the corresponding name under the relevant sub item of item 14F of the 1st Schedule to the Central Excise Salt Act, 1944; and
4. The nett weight of the product.

A specimen copy of each type of label should be lodged with the Superintendent of Central Excise concerned before it is brought into use and affixed to the products.

[No. 2.]

Sd./- Illegible,

for Collector, Central Excise,
Calcutta.

**COLLECTORATE OF CENTRAL EXCISE: PATNA
BHAGALPUR DIVISION**

NOTICES

Patna the 24th February, 1962

To

Sri Kalipado Das, s/o Sri Chitopado Das,
House of Shri Darendra Chandra Ghosh,
S/o Late Shri Manmohan Ghosh
1/53, Rajendra Prasad Colony,
Prince Anwar Ghosh Road, Calcutta-33.

S.O. 1326.—Whereas a notice to show cause why action to adjudge confiscation and penalty should not be taken against you and the goods described below, under the provisions of Section 167(8) of the Sea Customs Act, 1878 read with section 3(2) of the Import and Export Control Act, 1947 is pending in this office for want of service on you being returned by the Postal Authority of Calcutta undelivered with the remarks, "not know, left Calcutta etc."

Sl. No.	Date & place where seized	By whom seized	Description of goods	Section & Rules contravened.
1	2	3	4	5
1	10-9-1961 From a 3rd class compartment of 330-Dn. train	1. Sri Nirmal Singh Sub-Inspector of Central Excise, & Land Customs, Barharwa. 2. Sri Umashankar, Inspector of Central Excise & Land Customs, Calcutta.	Torch light bulbs 40,075 in number made in Hong Kong & Shanghai.	Section 5 of the Land Customs Act, 1924 Section 19 of the Sea Customs Act, 1878 read with Sec. 3 of the Import and Export (Control) Act, 1947.

Now, therefore, you are hereby informed that you should arrange to take delivery of the said notice on any working day within 15 days from the date of publication of the notice, failing which the case will be decided *ex-parte*.

[No. VIII(10)12/61.]

Patna, the 9th March, 1962

S.O. 1327.—Whereas from the possession of one who gave out his name and address as Sri Abdul Barik s/o Tayabali, c/o Sukur Ali, No. 3 Fulbagan, Calcutta the goods as mentioned in the undermentioned table were seized in contravention of Rules and Notifications as mentioned against each:

Sl. No.	Date & place of seizure	By whom detected	Description of goods	Quantity	Rules contravened
1	2	3	4	5	6
1	19-9-61 330 Dn. train	Sub-Inspector, C.E., & L.C., Barharwa.	(a) Playing cards (bonus) made in U.S.A (seven packets containing 12 prices each & one packet containing eleven pieces. (b) Nickled steel coated hooks, made in Germany Two Pkt. containing 12 small pkts. in each and one containing 10 small pkts. each small pkts. containing twelve hooks.	8 packets. 3 "	Sections (3) of L.C. Act 1924 read with Sec. 167(8) of the Sea Customs Act, 1878 Sec. 7(1) (c) of L.C. Act, 1924 read with Sec 167(8) of the L.C. Act 1878 for contravention of Sec. 5 of the L.C. Act 1924 Sec. 3(1) of the I & E Control

1	2	3	4	5	6
		(c) Eclipse hack saw blades— all hard. Made in England, James New & Co. She- field Ltd., Ten big pack- kets, total nine 20 packs containing six dozens in each and one packet con- taining five dozens only.			Act 1947 and Sec. 19 of the S.C. Act 1878.
		(d) Grip tight, Made in England.	2100		
		(e) Magic eye bulbs. Mi- niature lamps.	3500		
		Made in Hongkong.			
		(f) C.K2 torch bulbs.	17000		
		Made in Hongkong.			
		(g) Fohan Lamps,	12,800		
		Made in Sanghai, China.			

Now, therefore, the so called person has failed to show cause on being called upon to do so by the Assistant Collector of Central Excise, Bhagalpur which was received back undelivered from the Postal Department with the remarks "not known" and his case being adjudged ex-parte, when adjudication order was sent by post, the same was also received back undelivered from the Postal Department with the same very remarks "not known".

If such a person fails to take delivery of the said adjudication order from this office within 10 days from the date of publication in the Gazette of India, action will be taken as ordered in the Adjudication order No. 11-L.C./61 dated 5th December, 1961.

[No. VIII(10)/14/61.]

H. P. SEN GUPTA, Asstt. Collector.

MINISTRY OF COMMERCE AND INDUSTRY

Bombay, the 24th April, 1962

S.O. 1328.—In exercise of the powers conferred on me under clause 3 of the Cotton Control Order, 1955, I hereby make the following further amendment in the Textile Commissioner's Notification No. S.O. 2273, dated 1st September, 1961, namely:

In the said notification, in note II appended to Schedule 'A' for items (vii), (viii) and (xiv), the following shall be substituted, namely:

Column 1	Column 3
"(vii) P./A. 216F. P./A.H-14 R.G. or S.G.	P/A- 216 F R. G. or S.G. as the case may be of column (i)
(viii) P./A. L.S.S. R.G. or S.G.	P/A 320 R.G. or S.G. as the case may be of column (i)
(xiv) P./A. 320F R.G. or S.G.	P/A 320F R.G. or S.G. the case may be of column (i)"

(Sd.) W. R. NATU,
Textile Commissioner,

[No. 24(2)-Tex(A)/61.]

A. B. DATAR, Under Secy.

ORDER

New Delhi, the 25th April 1962

S.O. 1329/IDRA/6/12.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints the following persons to be members of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry Order No. S.O. 819. dated the 16th March,

1962 for the scheduled industries engaged in the manufacture or production of textiles made of Wool, including Woollen Yarn and Hosiery, till the 15th March, 1964 and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, after entry No. 19 relating to Shri Kanjibhai Khodidas, the following entries shall be inserted, namely:—

20. Shri Krishna Khopkar, Salubai Nivas, Utalsar, Thana (Maharashtra).
21. Shri J. K. Jayawant, Secretary, Rashtriya Mill Mazdoor Sangh, 25, Government Gate Road, Parcl, Bombay-12.

[No. 1(3)L.Pr./62.]

New Delhi, the 30th April, 1962

S.O. 1330.—IDRA/6/18.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with Rules 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints the following persons to be members of the Development Councils for the scheduled industries engaged in the manufacture or production of Leather and Leather Goods for a period of two years with effect from the date of this Order, on the expiry of the term of office of the members appointed under the Government of India, Ministry of Commerce and Industry Order No. S.O. 129, dated the 12th January, 1960, as amended from time to time:—

Chairman

1. Shri Sanjoy Sen, Director, National Tannery Co. Ltd., Mercantile Building, Lall Bazar, Calcutta-1.
2. Shri M. L. Khaitan, M/s. Bata Shoe Co. Ltd., 30, Theatre Road, Calcutta.
3. Shri S. P. Pandit, Director, M/s. Western India Tanneries Ltd., Dharavi, Bombay-17.
4. Shri P. R. Sondhi, M/s. Kapurthala Northern India Tanneries Ltd., Kapurthala.
5. Shri K. S. Smith, General Manager, British India Corporation Ltd., Cooper Allen Branch, Kanpur.
6. Shri Nazir Hussain, Proprietor, M/s. Nazir Hussain & Co., 11, Perambur High Road, Madras.
7. Shri A. Nagappa Chettiar, M/s. India Leather Corporation (Private) Ltd., Post Box No. 1516, Madras.
8. Shri Mohammad Yaqub, M/s. Indian National Tannery (Private) Ltd., Jajmau Road, Kanpur.
9. Shri S. Nazar Mohamed, M/s. Pioneer Tanneries & Glue Works (P) Ltd., Kanpur.
10. Shri R. B. Dodd, Managing Director, M/s. Gordon Woodroffe & Co. (Madras) Pt. Ltd., 1/21, North Beach Road, George Town, Madras-1.
11. Shri A. N. Varma, President, Agra Shoe Manufacturers' Association, 1244, Pili Kothi, Shahganj, Agra.
12. Dr. Y. Nayudamma, Director, Central Leather Research Institute, Adyar Madras.
13. Shri N. P. Chatterji, Agricultural Marketing Adviser, Directorate of Marketing & Inspection, New Sectf. Building, Nagpur.
14. Shri G. R. Valunekar, Khadi and Village Industries Commission, Gosewa Charnalaya, Gopuri, Wardha.
15. Shri R. K. Agarwal, Development Officer (Leather), Government of Uttar Pradesh, Kanpur.
16. Shri K. B. Potnis, 25, Bell Building, 1st Floor, Sir Pheroze Shah Mehta Road, Bombay-1.
17. Shri B. C. Thimmarayappa, Leather Expert, Department of Rural Industrialisation, Government Old Soap Factory Building, Bangalore.
18. Shri P. N. Rajabhoj, President, Bharat Dalit Sevak Sangh, 207, Ghorpade Peth, Poona-2.

19. Shri N. R. M. Swamy, Railway Station Road, Ranipet (N.A. Dist.).
20. Shri T. Jiyar Das, Ongole, Guntur District, Andhra Pradesh.
21. Shri Nathuri Ram, Chalbasa, Singhbhum (Bihar).
22. Shri Amritlal Jadav, C-Scheme, Jaipur (Rajasthan).
23. Shri A. C. Nanda, General Secretary, Delhi State Committee of A.I.T.U.C., Gaushala Gate, Double Phatak Road, Kishanganj, Delhi.
24. Shri Prabhakar Tripathi, Working President, Kanpur Chamra Mill Karamchari Sangh, 11/365, Souterganj, Kanpur.
25. Shri S. Venkataraman, National Council of Applied Economic Research, Perisila Bhavan, 11, Indraprastha Estate, New Delhi-1.
26. Shri S. G. Desai, Secretary, M/s. Beltex (P) Ltd., Ahmedabad.

[No. 4(37)-L.Pr./61.]

CORRIGENDUM

New Delhi, the 30th April, 1962

S.O. 1331.—In the Ministry of Commerce and Industry Order No. S.O. 1004 dated the 28th April, 1961 (as amended from time to time) published in Part II Section 3 sub-section (ii) of the Gazette of India dated the 6th May:

- | | | |
|--------|---|----------|
| “For, | 6. Shri M.K. Kale, | Owners.” |
| | M/s Lakshmiratan Engg. Works, No. 1 Industrial Area, Faridabad. | |
| “Read. | 6. Shri M.K. Kale | Owners” |
| | M/s Lakshmiratan Engg. Works Ltd., Ferguson Road, Lower Parel, Bombay-13. | |

[No. 1(12)L.Pr./60.]

J. S. BAKHSI, Under Secy.

(Department of Company Law Administration)

New Delhi, the 30th April 1962

S.O. 1332.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 448 of the Companies Act, 1956 (I of 1956), the Central Government hereby appoints Shri Upendranath Rajkhowa, Deputy Registrar of the High Court Assam to be the ex-officio Official Liquidator attached to that Court with effect from the afternoon of 10th April, 1962, until further orders *vice* Shri D. N. Chaudhury.

P. B. SAHARYA, Under Secy.

(Office of the Deputy Chief Controller of Imports & Exports)

(Central Licensing Area)

NOTICE

New Delhi, the 5th April 1962

S.O. 1333.—It is hereby notified, that in exercise of the powers conferred by Clause 9 of the Import (Control) Order, 1955 the Govt. of India, in the Ministry of Commerce and Industry propose to cancel two Import Licences No. A 719751/60 AU/CCI/D dt. 29th March 1961 for import of Selenium for Rs. 1030/- and No. A 719752/60/AU/CCI/D dt. 29th March 1961 for import of Antimony Oxide, Borax, Cryslite Natural, Tin Oxide and Cobalt Oxide for Rs. 8522/- from S.C.A. except Union of S. Africa and South of West Africa, granted by the Deputy Chief Controller of Imports and Exports, Central Licensing Area, New Delhi to M/s. Kashmir Enamels Industrial Estate, Gandhi Nagar, Jammu unless sufficient cause against this is furnished to the Deputy Chief Controller of Imports & Exports, Central Licensing Area, New Delhi within ten days of the date of issue of this Notice by the said M/s. Kashmir Enamels Industrial Estate, Gandhi Nagar, Jammu or any bank or any other party, who may be interested in it.

In view of what is stated above M/s. Kashmir Enamels, Industrial Estate, Gandhi Nagar, Jammu or any bank, or any other party, who may be interested in the said licence No. A 719751/AU/CCI/D dt. 29th March 1961 & No. A 719752/60/AU/CCI/ dt. 29th March 1961 are hereby directed not to enter into any commitments against the said licences and return the same immediately to the Deputy Chief Controller of Imports and Exports, Central Licensing Area, Janpath Barracks 'B' New Delhi.

[No. DCCI/I(CLA)/217/61.]

RAM MURTI SHARMA,
Dy. Chief Controller.

MINISTRY OF MINES AND FUEL

New Delhi, the 24th April 1962

S.O. 1334.—Whereas by the notification of the Government of India in the Department of Mines and Fuel (Ministry of Steel, Mines & Fuel) S.O. 2468, dated the 6th October, 1960, under sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands in the locality specified in the Schedule appended to that notification;

And whereas no objection has been made to the acquisition of the land aforesaid;

And whereas the Central Government after consulting the Government of Orissa is satisfied that the land measuring 247.75 acres described in the Schedule appended hereto should be acquired,

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the land measuring 247.75 acres described in the said Schedule are hereby acquired.

The plan of the areas covered by this notification may be inspected in the office of the Collector, Dhenkanal (Orissa) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the National Coal Development Corporation Ltd., (Revenue Section), Darbhanga House, Ranchi.

SCHEDULE

(North Balanda Block)

Drag No. Rev./162/61

(showing lands acquired)

(Jaganath pore Colliery)
SUB-BLOCK—'A'

ALL RIGHTS

Sl. No.	Name of Village	Thana	Village or District. Survey No.	Area in acres	Remarks
1.	Balanda	Colliery P.S.	98 Dhenkanal	213.50 acres	Part.
Total area				213.50 acres approximately	

Plot Nos. acquired in village Balanda :—

26 to 53, 54 (P), 55(P), 64(P), 65(P), 66(P), 67(P), 68(P), 70(P), 76(P), 77, 78(P), 79(P), 80, 81 to 133, 135 to 147, 149 to 192, 193(P), 194 to 216, 223(P), 224(P), 226(P), 534(P), 535 to 751, 763 to 940, 952 to 975, 977 to 981, 995 to 1142, 1143(P), 1144(P), 1146, 1147(P), 1148(P), 1324(P), 1332 (P), 1333(P), 1334(P), 1335(P), 1347(P), 1348(P), 1381, 1382, 1384 to 1458, 1459 (P), 1479(P), 1510 to 1576, 1577(P), 1578(P), 1579 to 1584, 1585(P), 1586(P), 1587(P), 1588, 1589(P), 1590 to 1596, 1597(P), 1598(P), 1599(P), 1600, 1601(P), 1602(P), 1605(P), 1607(P), 1608(P), 1609 to 1713, 1714(P)

1715(P), 1716 to 1789, 1790(P), 1804(P), 1805, 1806, 1807(P), 1808(P), 1809(P), 1810 to 1812, 1813(P), 1814, 1815, 1816(P), 1826(P), 1831(P), 1832(P), 1833 to 1846(P), 1847(P), 1850(P), 1851(P), 1852 to 1865, 1866(P), 1867(P), 1809(P), 1900(P), 1901 to 1907, 1908(P), 1922(P), 1932(P), 1933(P), 1930(P), 2214(P), 2491(P), 2402(P), 2493(P), 2494 (P), 2495 to 2505, 2506(P), 2507 to 2511, 2512 (P), 2513 to 2519, 2595(P), 2880, 2894(P), 2897, 2866, 2881, 2915, 2917 (P), 2919, 2905(P), 2946, 2948, 2947, 2956(P), 2958, 2853, 2995, 2934, 2935, 2907, 2923, 2990, 2988, 2989, 2991, 2987, 2994, 2995, 3013, 3010, 3018, 3024, and 2511 (P).

Boundary description :—

A-B line passes through plot Nos. 2956, 2941, 54, 55, 64, 65, 66, 67, 68, 70, 76, 78, 79, 193, 226, 224, 223, 534, 1148, 1147, 1144, 1143, 1324, 1332, 1333, 1334, 1335, 1347, 1348, 1939, 1932, 1933, 1922, 1577, 1578, 1585, 1586, 1587, 1589, 1597, 1598, 1599, 1601, 1602, 1605, 1608, 1607, 1714, 1715, 2917, 1790, 1908, and 2214.

B-C line passes through plot Nos.:—2214, 1908, 1790, 1479, 2906, 1813, 1816, 1809, 1808, 1807, 1804, 1826, 1832, 1831, 1847, 1850, 1851, 1867, 1866, 1899, 1900, 2491, 2492, 2494, 2493, 2506, 2595, 2512 and 2894

C-A line passes along the part northern Boundary of the areas, acquired by N.C.D.C. in South Balanda.

ALL RIGHTS

Sl. No.	Name of village	Thana	Village or Survey No.	District	Area in acre	Remarks
1.	Balanda	Colliery P.S.	98	Dhenkanal	24.63	Part.
2.	Nakhatrapur	Do.	83	Do.	9.62	Part.
						Total area 34.25 acres (Approximately)

Plot Nos. acquired in village Balanda :—

1 to 16, 230 (P), 264(P), 2895, 2928, 2929, 2955, 3009, and 3014.

Plot Nos. acquired in village Nakhatrapur.

111(P), 112(P), 113, 114, 115(P), 121(P), 122(P), 126(P), 127(P), 128(P), and 140(P).

Boundary Description.

D-E line passes through plot Nos. 111, 112, 115, 121, 122, 126, 127, 128, 140, in village Nakhatrapur and plot Nos. 264, 230 in village Balanda.

E-F line passes partly along the Common boundary of the areas, acquired by N.C.D.C. in South Balanda and partly along the northern boundary of village Bharatpur.

F-D line passes along the Western Boundary of village Nakhatrapur.

[C2-21(4)/60].

P. S. KRISHNAN, Under Secy.

MINISTRY OF FOOD & AGRICULTURE

(Department of Agriculture)

New Delhi, the 25th April, 1962.

S.O. 1335.—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) the Central Government hereby makes the following rules to amend further the Hides Grading and Marking Rules, 1937, the same having been previously published as required by the said section.

1. These rules may be called the Hides Grading and Marking (Amendment) Rules, 1962.

2. In Rule 2 of the Hides Grading and Marking Rules, 1937 (hereinafter referred to as the said rules), for the word "Kids", the words "Kips" shall be substituted.

3. In Rules 4 and 5 of the said rules, for the figures and marks "1" wherever they occur, the figures and letters "6 mm" shall be substituted.

4. In Schedule I to the said rules,—

- (a) in the heading, for the word 'Kids', the word 'Kips' shall be substituted;
- (b) in column 6 of the table against Grade 'A', for the figure and word "4 inches", the figures and letters "102 mm" shall be substituted;
- (c) in column 4 of the table against Grade 'B', for the figure and word "2 inches", the figures and letters "51 mm" shall be substituted;
- (d) in column 9 of the table against all the three Grades for the words and figure "beyond 4 inches", the words and figures "beyond 102 mm" shall be substituted;
- (e) in column 11 of the table, for the existing figures and words "60 lb. and over", "40 to 60 lb.", "25 to 40 lb." and "under 25 lb.", the figures and words "27 Kg. and over", "18 to 27 Kg.", "11 to 18 Kg." and "under 11Kg" shall respectively be substituted;
- (f) in column 12, for the word 'Kids' occurring in the heading the word "Kips", and for the figures and words "28 lbs. and over", "18 to 28 lb.", "8 to 18 lb." and "under 8 lb.", the figures and words "13 Kg. and over", "8 to 13 Kg.", "4 to 8 Kg." and "under 4 Kg." shall respectively be substituted;
- (g) in the footnote at the end of the table, against Mark †, for the figures and letters "12 lb." occurring in two places, the figure and letters "5 Kg." shall be substituted; and
- (h) in the foot note at the end of the table, against Mark §, for the words "two inches", the figures and letters "51 mm" shall be substituted.

[No. F. 17-1/62-AM.]

V. S. NIGAM, Under Secy.

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 25th April 1962

S.O. 1336.—Under Section 4 of the Indian Cotton Cess Act, 1923 (14 of 1923), the Central Government are pleased to appoint the following persons to be members of the Indian Central Cotton Committee, Bombay, for the period mentioned against each:—

S. No.	Name	Part of Section 4.	Period upto
1.	Shri G.E. Aperghis, Rallis India Ltd., Bombay.	4(iv)	31-3-1963
2.	Shri S.C. Nawn, Bengal Fine Spinning and Weaving Mills Ltd., Calcutta.	4(vi)	31-3-1965
3.	Shri Dayalibhai Govindbhai Patel, Delad, Taluka Oplad, District Surat.	4(viii)	31-3-65
4.	Shri M. Mallaraj Urs, Director of Agriculture, Mysore.	4(ix)	31-3-1965

[No. 1-4/62-Com.IV.]

New Delhi, the 26th April 1962

S.O. 1337.—The following draft of certain rules further to amend the Indian Central Oilseeds Committee Provident Fund Rules, 1961, which the Central Government proposes to make, in exercise of the powers conferred by section 17 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), is published, as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 31st May, 1962.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Rules

1. These rules may be called the Indian Central Oilseeds Committee Provident Fund (Second Amendment) Rules, 1962.

2. In the Indian Central Oilseeds Committee Provident Fund Rules, 1961 rule 10 shall be re-numbered as sub-rule (1) thereof and after sub-rule (1), as so renumbered, the following sub-rule shall be inserted, namely:—

“(2). In the case of a subscriber admitted to the benefits of the fund with retrospective effect under sub-rule (2) or sub-rule (3) of rule 8, he shall be allowed to pay the amount of subscription due in such monthly instalments not exceeding twelve as he may elect.”

[No. 10-14/60-Com.II.]

SANTOKH SINGH, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 28th April 1962

S.O. 1338.—Whereas, the Indian Nursing Council have elected Miss M. Korah, Superintendent, Lady Reading Health School, Delhi, to be a member of the Council under clause (c) of sub-section (1) of section 3 of the Indian Nursing Council Act 1947 (48 of 1947) *vice* Mrs. A. P. Chandy, Superintendent, Princess Niloufer Training School for Health Visitors, Hyderabad;

And, whereas, the Central Government have nominated Miss M. Craig, Nursing Superintendent, Christian Medical College Hospital, Ludhiana as a member of the Council under clause (n) of sub-section (1) of section 3 of the said Act *vice* Miss M. Korah, Superintendent, Lady Reading Health School, Delhi;

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Health No. F. 27-57/57-MII(B) dated the 1st December, 1958, namely:—

In the said notification,

(i) under the heading “Elected under clause (c) of sub-section (1) of section 3”, for the existing entry, the following entry shall be substituted, namely:

“Miss M. Korah, Superintendent, Lady Reading Health School, Delhi;”

(ii) under the heading “Nominated under clause (n) of sub-section (1) of section 3”, for the existing entry 2, the following entry shall be substituted namely:—

“2. Miss M. Craig, Nursing Superintendent Christian Medical College, Ludhiana.”

[No. F. 27-9/62-MII.]

R. MURTHI, Under Secy.

MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS**CORRIGENDUM****ARCHAEOLOGY***New Delhi, the 19th April 1962*

S.O. 1339.—In the schedule to the notification published as S.O. 646 on page 582 in Part II Section 3(ii) of the Gazette of India dated 3rd March, 1962, the following correction is notified:—

In the last line of column 8 for the figure '83/2' read '82/2'.

[No. F. 4-2/62-C.1.]

S. J. NARSIAN,
Assistant Educational Adviser.

MINISTRY OF RAILWAYS**(Railway Board)****CORRIGENDUM***New Delhi, the 28th April 1962*

S.O. 1340.—In the notification of the Government of India in the Ministry of Railways (Railway Board) No. F(X)II-61/TX-19/12 dated the 2nd April 1962, against III Class under the caption child between 3 & 12 years of age—short distance passengers (16-150 miles—25-242 kilometres), for the figures "0.113", read "0.13".

[No. F(X)II-61/TX-19/12.]

P. C. MATHEW, Secy.**MINISTRY OF WORKS, HOUSING AND SUPPLY***New Delhi, the 24th April 1962*

S.O. 1341.—In exercise of the powers conferred by sub-rule (1) of rule 8 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby directs that the post of Manager, Government of India Publication Branch, Delhi, shall be re-classified as Central Service Class I with effect from the 1st July, 1959.

[No. 4/31/61-S&PI.]

D. P. KARNIK, Dy. Secy.**(Department of Rehabilitation)****(Office of the Chief Settlement Commissioner)***New Delhi, the 21st April 1962*

S.O. 1342.—In exercise of the powers conferred by Sub-Section (i) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri G. P. Mathur as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 8/135/ARG/61.]

KANWAR BAHADUR,
Settlement Commissioner (A)
& Ex-Officio Dy. Secy.

(Department of Rehabilitation)**(Office of the Chief Settlement Commissioner)***New Delhi, the 26th April 1962*

S.O. 1343.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties in the state of Delhi specified in the Schedule below for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore in exercise of the powers conferred by section 12 of Displaced Persons (Compensation & Rehabilitation) Act, 1954, (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires the said evacuee properties (Specified in the Schedule below):—

THE SCHEDULE

S. No.	Particulars of evacuee property	Name of the town and locality in which the evacuee property is situated.	Name of evacuee with parentage of evacuee.
1	VII/1109/1517 & 1548-50	Gali Akhwanji Farash Khana, Delhi.	Shri Mohd. Ahmed. S/o Alimuddin.
2	IX/436(old)740(new)	Jama Masjid, Delhi	Nawab Ghaus Mohd.

[No. 13(2)Comp.&Prop/61.]

S.O. 1344.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties in the state of Delhi specified in the Schedule below for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore in exercise of the powers conferred by section 12 of Displaced Persons (Compensation & Rehabilitation) Act, 1954, (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires the said evacuee properties (Specified in the Schedule below):—

THE SCHEDULE

URBAN AREA OF VILLAGE AZADPUR

S. No.	Particulars of property		Area		Name of evacuee with the rights in the property.
	Khata No.	Khasra No.	Bigha	Bis.	
I	12/101	429/1&3	16	14	Shri Aziz-ud-Din s/o Mst. Ruste (½ share) & Shri Modh, Ramzan & Mohd. Rafi s/o Shri Ghisa Khan (½ share). Owners.
		21	12	17	
		56	3	0	
		373/105	1	4	
		95 Min.	0	6	
		327 Min.	0	9	
		328	6	1	
		299/1	5	3	
		407/133	23	17	
		145	2	0	
		408/133	4	1	
		143	1	1	
	TOTAL:		76	13	

[No. 13(2)Comp.&Prop.]

S.O. 1345.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties in the state of U.P. specified in the Schedule below for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore in exercise of the powers conferred by section 12 of Displaced Persons (Compensation & Rehabilitation) Act, 1954, (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires the said evacuee properties (Specified in the Schedule below):—

SCHEDULE

List of Urban Property for acquisition

S. No.	Particulars of the property.	Locality	Name of the evacuee.
1	Clover & Kacher Lodge	Mussorie	Shri Khurshed Berry

[No. 1(1217)58/Comp.III/Prop.]

M. J. SRIVASTAVA, Under Secy.

MINISTRY OF LABOUR & EMPLOYMENT*New Delhi, the 18th April, 1962*

S.O. 1346.—In pursuance of section 36 of the Employees' State Insurance Act, 1948 (34 of 1948), the Revised Estimates for the year 1961-62, and the Budget Estimates for the year 1962-63, of the Employees' State Insurance Corporation as finally adopted by the said Corporation are hereby published for general information.

EMPLOYEES' STATE INSURANCE CORPORATION**REVISED ESTIMATES FOR THE YEAR 1961-62****AND****BUDGET ESTIMATES FOR THE YEAR 1962-63**

At the meetings held on the 8th and 9th March, 1961, the Standing Committee and the Corporation approved the Budget Estimates of the probable receipts and expenditure of the Employees' State Insurance Corporation for the financial year 1961-62. These were approved by the Central Government without any change vide the letter from the Ministry of Labour and Employment No. 4(3)/61-HI, dated 23rd March, 1961.

2. The Budget Estimates approved by the Central Government covered:

(i) measures needed for the running of the Scheme in various centres where it had already been implemented; and

(ii) measures needed for the extension of the Scheme to additional areas.

3. When the Budget Estimates for 1961-62, were framed, it was anticipated that (i) the Scheme would be extended to new areas and (ii) medical care would be extended to the families of the insured persons as per programme detailed in Statement 'B' attached, and from the dates shown against each item in columns 5, and 7, thereof. However, due to administrative and other difficulties in making adequate medical arrangements by the State Governments concerned, the programme of implementation and extension of medical care to the families had to be modified. The Scheme was actually extended to some of the areas from dates later than those originally planned as per details shown in column 8 of the Statement 'B'. As regards the areas where the Scheme has not so far been implemented, the revised dates of implementation, as now anticipated, have been stated against each item in appropriate columns of the above Statement. The dates from which the medical care has been extended or is likely to be extended to families have been similarly indicated.

4. As a result of further discussions and correspondence with the various State Governments, it is now anticipated that the Scheme will be implemented in new areas in 1961-62, and 1962-63, from the dates as shown in Appendix I. For the sake of convenience, the places where the Scheme has already been implemented in the past, with the dates of implementation, have also been embodied in this Appendix. The number of employees already covered or proposed to be covered has also been revised in the light of the latest information available and incorporated in Appendix I. The dates from which the medical care has been extended or is likely to be extended to the families of the insured persons have also been indicated against each item in this Appendix.

5. The Revised Estimates for 1961-62, and the Budget Estimates for 1962-63, have been prepared in the light of the revised programme of implementation. The figures of actual expenditure during the three financial years 1958-59, to 1960-61, the sanctioned budget estimates for the current year 1961-62, and the actuals for the first eight months of the current year 1961-62, have also been exhibited in the relevant columns of the tabulated Budget statement 'A'. These are submitted for consideration and approval.

6. The Statement 'A' depicts in its column 9, the figures of Revised Estimates 1961-62, and in column 10, the figures of Budget Estimates 1962-63.

7. (a) Brief explanations for the more important items under the various heads are furnished in the following paragraphs. The Income and Expenditure Account for the year ending 31st March, 1962, together with the Balance Sheet as on that date, and the Income and Expenditure Account for the year ending 31st

March, 1963, together with the Balance Sheet as on that date have been cast based on the figures of incomings and outgoings as anticipated in the Revised Estimates 1961-62, and the Budget Estimates 1962-63, respectively. These are enclosed for facility of perusal. In addition, the following statements are appended.

ACTUALS

- | | |
|---|---------------|
| (1) Statement showing the income and expenditure regionwise for the year 1958-59. | Appendix II. |
| (2) Statement showing the income and expenditure regionwise for the year 1959-60. | Appendix III. |
| (3) Statement showing the income and expenditure regionwise for the year 1960-61. | Appendix IV. |

BUDGET.

- | | |
|---|--------------|
| (4) Statement showing the anticipated income and expenditure regionwise for the year 1961-62. | Appendix V. |
| (5) Statement showing the budgeted income and expenditure regionwise for the year 1962-63. | Appendix VI. |

(b) The transactions shown under the heading "Headquarter" in the above statements include expenditure on certain centralised items incurred in respect of Regional and Local Offices also, e.g., contributions to the Provident Fund of the employees of the Corporation, leave and pension contributions payable in respect of Government servants on deputation to the Corporation, publicity, stationery and forms, expenditure on contribution stamps, and audit fees etc., etc.

8. Under Section 73-A, of the Employees' State Insurance Act, the Central Government had issued a notification in December, 1956, conveying their intention to raise the rates of the Employers' Special Contribution in both the implemented and non-implemented areas from $1\frac{1}{2}$ per cent to $3\frac{1}{2}$ per cent. of the total wage bill and $\frac{1}{2}$ per cent to $1\frac{1}{2}$ per cent. of the total wage bill respectively. The notification in regard to the actual increase in rates applicable has not however, been issued so far. The Corporation at its meeting held on 9th March, 1961, examined the proposals and appointed a sub-committee to go into greater details of the question and to submit its recommendations to the Corporation for taking a final decision in the matter. The sub-committee held its meetings in April, and October, 1961, and have recommended that the rate of Employers' Special Contribution in implemented areas should be increased from $1\frac{1}{2}$ per cent. to $2\frac{1}{2}$ per cent of the total wage bill with effect from 1st April, 1962. It has not recommended any increase in the non-implemented areas. The recommendations are applicable only to the year 1962-63, and a periodical review has been suggested. The increase in rates is yet to be considered and finally approved by the Corporation and the Central Government. Pending such approval, the receipts on account of Employers' Special Contribution have been estimated on the basis of the existing rates, viz., $1\frac{1}{2}$ per cent. of the total wage bill in the implemented areas and at $\frac{1}{2}$ per cent. of the total wage bill in non-implemented areas.

9. The provision under the head "A-Medical Benefits" which is intended to cover the Corporation's share of the total expenditure on medical arrangements initially incurred by the State Governments concerned has been made at the agreed rate of $7/8$ th of the total expenditure from the date from which medical care is extended to the families of the insured persons and at the agreed rate of $3/4$ th of the total expenditure where no such extension has taken place.

REVISED ESTIMATES FOR THE YEAR 1961-62

RECEIPTS

10. The total amount of ordinary revenue for the current year 1961-62, is now estimated to be Rs. 10,14,24,000, as against Rs. 10,62,78,000, assumed in the budget.

An increase of revenues under Employers' Special Contribution (about Rs. 17 lacs) and fall in revenues under Employees' Contribution (about Rs. 72 lacs) is now anticipated in the current year as compared to the original anticipations. The increase in receipts of Employers' Special Contribution is mainly due to a general rise in the wage level of the insured employees and to additional factories coming into the Scheme in areas previously covered, while the decrease in Employees' Contribution is due to the non-implementation or delayed implementation of the Scheme in new areas.

EXPENDITURE

11. The total amount of expenditure on revenue account in the current year 1961-62, is now estimated to be Rs. 8,52,26,000, against Rs. 10,32,16,000, originally assumed in the budget. The fall in expenditure of Rs. 179.90 lacs is made up of reductions of Rs. 181.80 lacs, Rs. 0.43 lacs and Rs. 3.83 lacs under "Medical Benefits", "Other Benefits" and "Administration Expenditure" respectively partly offset by an increase in expenditure on account of provision of Cash Benefits amounting to about Rs. 6.16 lacs. The substantial fall in the expenditure on medical benefits is mostly due to the non-implementation or delayed implementation of the Scheme at various centres and non-extension of medical care to the facilities of the insured persons as explained in para 3 above. That similar reductions have not been brought about in the expenditure on Cash Benefits is because the incidence of sickness is still on the upward trend and has not stabilised. Thus comparatively larger amounts had to be expended per insured person for Cash Benefits. The incidence of sickness benefit has now increased from about Rs. 16.5 per insured employee in 1960-61, to about Rs. 18.12 per insured employee in 1961-62.

12. The provision made under "Other Benefits" is based on the progress of expenditure during the current year. The provision includes a sum of Rs. 15,000, as grant-in-aid to the Bharat Sevak Samaj for imparting of Yoga Education at Delhi for the promotion of health of the insured employees through "Yogasanas".

13. **Administrative Expenses.**—(a) The total expenditure on account of "Administrative Expenses" during the year 1961-62, is now anticipated to be Rs. 1,23,96,000, as against Rs. 1,27,79,000 originally envisaged in the budget. The saving of about 4 lacs is due mainly to the non-extension of the Scheme to new areas and postponement of certain items of miscellaneous expenditure partly offset by increased expenditure on existing offices.

(b) The revised estimates also take into account an expenditure of about Rs. 68,500 incurred in West Bengal Region in anticipation of the Scheme being implemented in the districts of 24 Parganas and Hooghly in that region, which expectation could not, however, materialise.

(c) An expenditure of about Rs. 88,000 will be incurred in Gujarat Region where a nucleus staff is kept for looking after the implementation of the Scheme and also the collection of Employers' Special Contribution in the region.

(d) The *per capita* administrative expenditure for the year 1961-62. (Revised Estimates) will on the basis of the weighted average number of insurable employees, now be Rs. 7.28 per insured employee as against Rs. 7.16, envisaged in Budget Estimates for 1961-62, and the actual of Rs. 6.12 per insured employee during 1960-61. The increase in 1961-62, is due mainly to the employment of additional staff in the Regional and Local Offices, according to requirements, splitting up of the larger local offices into smaller offices to suit the convenience of insured persons and to the revision of the pay scales on the recommendation of the Pay Commission. The amount of administrative expenditure as assigned by the Valuer in his valuation Report for the quinquennium ended 31st March, 1954, was Rs. 7.7 per insured employee.

14. **Capital Expenditure.**—The amount originally provided for expenditure on Capital Account was Rs. 209.01 lacs comprising of (a) Rs. 30 lacs for the construction of office buildings; (b) Rs. 179 lacs for the construction of Hospitals and Dispensaries and their equipment.

(a) **Office Buildings.**—Keeping in view the proposals for purchase of plots of land for office buildings presently in hand, the progress of land acquisition proceeding for obtaining some plots for this purpose in Ahmedabad, the expenditure actually incurred and anticipations during the remaining part of the financial year, it is now estimated that the expenditure during the current year (1961-62)

will amount to only Rs. 15 lacs (approximately) as against the original figure of Rs. 30 lacs. Provision has been made accordingly.

(b) *Hospitals and Dispensaries and their equipment.*—An expenditure of Rs. 86,81,086, only has been incurred during the first eight months of the current year 1961-62, on the construction of Hospitals and Dispensaries. Based on further information received from the State Governments and the expected requirements of the Mahatma Gandhi Memorial Hospital, Bombay, which is expected to start working with 300 beds in January, 1962, it is anticipated that a total expenditure of Rs. 234.85 lacs may be incurred during the current year (1961-62). Provision has been made accordingly.

15. *Purchase of Staff Cars.*—It is proposed to purchase three staff cars for the Regional Offices in Ahmedabad, Madras and Kanpur. Provision for one staff car (Rs. 15,000) has been made during the current year 1961-62, and for the remaining two cars (Rs. 30,000) during the year 1962-63.

16. *Loans to State Governments.*—The original provision of Rs. 25 lacs made in the Budget Estimates for 1961-62, has been retained in the Revised Estimates to meet the demand of any State Government, if received and approved. This has been done in view of the increased activities all over India in respect of construction of Hospitals and Dispensaries by the State Governments. The question of making any provision for the year 1962-63 will, however, be considered next year at the time of preparation of the Revised Estimates. For the present, no provision has been made in the Budget Estimates for 1962-63.

17. During 1961-62, the revenue surplus is now estimated at Rs. 1,61,98,000 as against Rs. 30,62,000 originally anticipated. This will not, however, be sufficient to meet the sum total of the estimated Capital expenditure (Rs. 250 lacs) and the amount required for the grant of loans to State Governments for construction of Hospitals and Dispensaries (Rs. 25 lacs), i.e., 275 lacs, in all. Thus, there may not be any additional net investment during the current year. After utilising a part of the opening cash balance, securities worth Rs. 90 lacs (approximately) from the accumulated investments may have, therefore, to be realised.

18. *Cash balance.*—The current year 1961-62 is expected to close with a cash balance of Rs. 50,96,425 as against the opening balance of Rs. 71,88,825.

BUDGET ESTIMATES FOR THE YEAR 1962-63

RECEIPTS

19. Provision on account of Employers' Special Contribution, which is payable quarterly in arrears, has been made at the existing rates, viz., 1½% of the total wages of the employees in the implemented areas and at ½% of the total wages in the non-implemented areas. The provision under 'Employees' Contribution comprises of contributions at the scheduled rates from the employees of all implemented centres for the whole or part of the year depending upon the respective dates of coverage.

20. *Other heads of Revenue.*—A sum of about Rs. 72.25,000 is expected to be earned as interest on the investment of the General Cash Balance and Rs. 13,000 as rent from the employees of the Corporation to whom the surplus accommodation available in the buildings owned by the Corporation has been let out for residential purposes.

EXPENDITURE

21. The increased provision under the various heads in the Budget Estimates for the year 1962-63, as compared to the corresponding provision in the Revised Estimates for the year 1961-62, is mainly due to:

- (i) the extension of medical care to the families of insured persons;
- (ii) the extension of the Scheme to new areas; and
- (iii) the operation of the Scheme in areas where the implementation was brought about during the year 1961-62 for a full year.

22. (a) *Medical Benefits.*—The Corporation's share of the total expenditure incurred by the State Governments, in providing medical care to the insured persons, has been increased from 3/4th to 7/8th from the date from which medical care is extended to the families of the insured persons. It is anticipated that the Corporation's share of the cost of medical care for the insured persons and their families (23,75,750 insured employees and 15,22,100 units of their families as detailed in Appendix I) will amount to about Rs. 5,50,00,000.

(b) *Expenditure on Health Education Scheme.*—Provision is being made for the 'Health Education Scheme' for the first time. This scheme envisages the implementation of a programme of Health Education for the insured persons under Section 19 of the Employees' State Insurance Act, 1948. It is proposed to set up a central unit at the Headquarters of the Corporation together with two field units at two pilot centres, one each in the areas covered by the panel and the service system and where the medical care has been extended to the families of the insured persons. The expenditure likely to be incurred on the two field units is proposed to be charged to 'Benefits' while the expenditure on the central unit at the Headquarters will be a part of the Administrative Expenditure.

23. *Cash Benefits.*—The provision made for the various cash benefits are based on the progress of actuals per insured employee for the first eight months of the year 1961-62 after making due allowance (i) for the commencement of the benefit period (ii) the wages in the different areas, and (iii) the slow progress of expenditure in the first year of implementation of the Scheme in new areas. It includes Capitalised Values based on actuarial calculations, of the total liability of the Permanent (Partial and total) Disablement and Dependents Benefits expected to arise out of employment injuries occurring during the course of the year 1962-63.

24. *Administrative Expenses.*—The Administrative expenses have been exhibited under two heads, viz., (A) Superintendence and (B) Field Work. Subject to the remarks in para 7(b) above, the head "A-Superintendence" embraces administrative expenditure relating to the Headquarters and the Regional Offices while "B-Field Work" covers similar expenditure pertaining to the Local and Inspection Offices.

25. A total provision of Rs. 1,55,16,000 has been made in the Budget for the year 1962-63 which works out on *pro-rata* to about Rs. 7.67 per insured employee. Provision on account of pay and allowances has been made for the posts which have already been sanctioned by the Standing Committee except in respect of posts required for certain new centres. The proposals for sanction of posts for the new centres will be submitted separately for approval in due course. In case further provision is required on this account, a supplementary budget will be submitted to the Standing Committee. The provision also takes into account the increased expenditure due to the revision of pay scales as a result of the recommendations of the Pay Commission.

A statement showing details of the provision made under the head "Allowances and Honoraria" is attached *vide* Statement 'C'.

26. *Contingencies—(both under A-Superintendence and B-Field Work).*—(a) The various sub-heads under which provision has been made are self-explanatory. The provision under the head "Contribution Stamps" represents the manufacturing cost of the stamps and the commission payable to the banks for their custody and sale. These stamps are sold to the employers who affix them on contribution cards in payment of the employees' share of contribution.

(b) *Legal charges.*—The charges represent fees paid to lawyers and other court charges in cases instituted by and against the Corporation. The number of such cases is on the increase partly due to the progress and extension of the Scheme and partly due to the policy adopted for taking prompt legal action for the recovery of over-due contributions and for prosecuting habitual defaulters.

27. *Capital expenditure.*—(a) *Office buildings.*—A sum of Rs. 25 lacs has been provided in the year 1962-63 to cover the cost of plots of land expected to be purchased/acquired in various places and construction of office buildings.

(b) *Hospitals and Dispensaries and equipment.*—Though the exact requirements of the various State Governments have not yet been made known to the Corporation, a provision of Rs. 3,74,70,000 has been made in the estimates for the year 1962-63 comprising (i) Rs. 3,54,70,000 for construction of Hospitals and Dispensaries and (ii) Rs. 20 lacs for equipments of Hospitals. The estimates are based mainly on the sanctions to schemes of Capital Construction already issued or under examination. As the programme of Capital Construction has been accelerated and is expected to gather momentum, the provision made is expected to be fully utilised. The provision also includes the balance of the contribution to be paid by the Corporation towards the cost of construction and equipment of the Mahatma Gandhi Memorial Hospital, Bombay, which is expected to function with 600 beds from June 1962 onwards.

28. Loans to State Governments.—As already stated in para 19 above, no provision on account of loans to State Governments has been made in the Budget Estimates for 1962-63.

29. Cash Balance.—During 1962-63, a revenue deficit of Rs. 81 lacs has been estimated. A sum of Rs. 400 lacs will also be required for meeting capital expenditure. The total net outgo of Rs. 481.23 lacs on these counts will be met mainly by realising securities worth Rs. 470 lacs during the year, the balance being met by utilizing the incomings under other Debt, Deposit, etc., heads.

It is anticipated that the closing cash balance on 31st March, 1962, will be Rs. 50,40,525.

30. Enhancement of the rates of Employer's Special Contribution (ESC).—It will be seen from the foregoing that at the existing rates of Employers' Special Contribution, i.e., at 1½% and 2½% respectively in implemented and non-implemented areas, a revenue surplus of Rs. 161 lacs is estimated in the current year (1961-62) as against the actual surplus of Rs. 245 lacs in the preceding year (1960-61). In the ensuing year (1962-63), a deficit of Rs. 81 lacs is, however, anticipated. The revenue surplus has turned into a revenue deficit mainly because of the introduction of the Scheme of medical benefit for the families of the insured persons in various regions including Maharashtra and larger payments by way of cash benefits due to an increase in the average sickness rate. With the further extension of the Scheme of providing medical benefits to families of insured persons in ensuing years, the deficit is likely to increase further.

Due to an acceleration in the pace of capital expenditure during the current year and which is expected to continue in future years also, the Corporation is, for the first time, faced with the necessity of realising some of the Government securities acquired during preceding years from out of the revenue surpluses. Thus, during the current and in the ensuing year, securities worth Rs. 90 lacs the rate of Employers' Special Contribution from 1½% to 2½% in implemented and Rs. 470 lacs are expected to be encashed. In case, the proposed increase in the rate of Employers' Special Contribution from 1½ per cent to 2½ per cent in implemented areas is brought about, it is estimated that there would be an increase in revenue from this source amounting to approximately Rs. 343 lacs. The additional revenue will not, however, fully meet the cash requirements of the Corporation and securities amounting to Rs. 127 lacs may still have to be encashed during 1962-63.

T. P. KHOSLA,
Chief Accounts Officer,
Employees' State Insurance Corporation.

STATEMENT 'A'

EMPLOYEES STATE INSURANCE CORPORATION
REVISED ESTIMATES FOR THE YEAR 1961-62 AND BUDGET ESTIMATES FOR THE YEAR 1962-63

RECEIPTS

Serial No.	Head of Account	Actuals for the year 1958-59	Actuals for the year 1959-60	Actuals for the year 1960-61	Sanctioned budget estimates for the current year 1961-62	Revised Estimates for the current year 1961-62			Budget estimates for the next year 1962-63
						Actual of first 8 months of the current year 1961-62	Anticipated receipts of the remaining 4 months of the current year 1961-62	Revised estimates for the current year 1961-62 (Col. 7 + 8)	
1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
	<i>Principal Heads of Revenue</i>								
I	Contributions: Employer's share only	2,90,24,081	3,18,53,731	3,73,62,109	3,80,00,000	2,88,07,427	1,09,00,573	3,97,08,000	4,05,49,000
	Employees' share only	3,81,11,950	4,08,09,252	5,01,07,123	6,10,00,000	3,58,29,458	1,80,27,542	5,38,57,000	5,92,99,000
II	Grant-in-aid, Donations and Gifts			..		2,934	66	3,000	..
	<i>Other Heads of Revenue</i>								
III	Interest and Dividends	50,52,671	59,49,470	67,30,937	71,37,000	53,44,132	23,62,368	77,06,500	75,25,50
IV	Compensation		..	..					..
V	Rents, Rates and Taxes	13,365	11,776	11,329	11,000	9,007	3,993	13,000	13,000

VI	Fees, Fines and forfeitures .	9,188	1,408	2,277	2,000	10,314	1,786	12,100	2,200
VII	Miscellaneous .	70,217	1,11,527	1,25,611	1,28,000	74,791	49,609	1,24,400	1,35,300
	TOTAL REVENUE .	7,22,81,472	7,87,37,164	9,43,39,386	10,62,78,000	7,00,78,063	3,13,45,937	10,14,24,000	10,75,24,000
	<i>Debt, Deposits, Advances & Suspense Ordinary Debt:</i>								
	Loans—								
	Loans received from Central Government .	..	..	..	..	..	..	..	..
	Loans refunded by State Government .	..	..	..	..	..	..	..	..
	<i>Unfunded Debt :</i>								
	Employees' State Insurance Corporation Provident Fund—								
	Employees' subscription .	3,98,972	4,95,101	5,57,656	6,00,000	4,95,424	2,60,576	7,56,000	8,80,000
	Corporation contribution .	2,27,850	2,63,311	3,01,852	3,50,000	..	3,40,000	3,40,000	3,50,000
	Interest on Employees' subscription .	40,563	54,777	69,050	85,000	..	75,000	75,000	80,000
	Interest on Corporation's Contribution .	24,586	33,305	43,546	53,000	..	55,000	55,000	70,000
	TOTAL—Unfunded Debt .	6,91,971	8,46,494	9,72,104	10,88,000	4,95,424	7,30,576	12,26,000	13,80,000

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
<i>Deposits and Advances Reserve Funds:</i>									
Depreciation Reserve Fund of buildings for the offices of the Corporation.	
Depreciation Reserve Fund Account of buildings for the offices of the Corporation.	
Annual depreciation charges transferred to the fund		4,700	4,700	4,700	4,700		9,500	9,500	9,500
Interest accrued & or realised on investment		1,916	1,916	1,915	2,000	1,165	735	1,900	1,900
Depreciation Reserve Fund account of equipments in Hospitals and Examination Centres :									
Depreciation Reserve Fund account of equipment	
Annual depreciation charges transferred to the fund.		..	1,436	4,556	1,200	..	7,100	7,100	5,000
Interest accrued & or realised on investments.	

Depreciation Reserve Fund account of Hospital buildings :								
Annual depreciation charges transferred to the Fund . . .	..	..	2,181	2,000	..	1,000	1,000	1,000
Depreciation Reserve Fund account of Staff Cars:								
Annual depreciation charges transferred to the Fund . . .	..	..	3,805	6,020	..	6,200	6,200	6,200
Repairs and Maintenance Reserve Fund of buildings for the offices of the Corporation :								
Annual maintenances and repair charges transferred to the fund . . .	19,450	19,450	19,450	19,500	..	28,500	28,500	48,500
Interest accrued &/or realised on investment . . .	2,486	2,486	2,486	4,300	1,479	1,121	2,600	2,700
Gain on realisation of investment . . .	..	..	..	..	1,327	—27	1,300	..
Deduct—Actual payments during the year . . .	+337	(—)25,187	(—)49,857	(—)26,000	..	—26,000	26,000	—22,000
Permanent (partial & total) Dis- -ablement Benefit Reserve Fund.	..	..	..	..	..	..	..	..

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Permanent (partial and total) Disablement Benefit Reserve Fund Account.	..	..	..	..	..	..	..	..	..
Annual amount transferred to the Fund . . .	23,86,500	37,19,800	37,76,300	42,61,000	..	40,90,000	40,90,000	51,50,000	
Interest accrued and/or realised on investments .	1,42,952	1,96,819	3,00,941	3,64,200	2,47,944	2,14,056	4,62,000	5,37,500	
<i>Deduct</i> —Actuals payments during the year . . .	(—)4,69,568	(—)7,83,541	(—)9,26,981	(—)11,99,800	..	(—)11,96,000	(—)11,96,000	(—)14,65,000	
Dependants' Benefit Reserve Fund.	..	..	..	..	..	..	..	..
Dependants' Benefit Reserve Fund account.	..	..	..	..	..	..	..	..
Annual amount transferred to the Fund . . .	9,31,500	10,26,900	11,84,900	14,84,000	..	12,70,000	12,70,000	16,10,000	
Interest accrued &/or realised on investment .	43,060	68,379	1,00,491	1,22,400	77,997	67,403	1,45,400	1,65,000	
<i>Deduct</i> —Actual payments during the year . . .	(—)1,90,527	(—)2,77,699	(—)3,51,899	5,69,700	..	(—)5,49,000	(—)5,49,000	(—)6,91,000	
TOTAL—Reserve Funds . . .	28,72,806	39,55,459	40,72,268	44,76,000	3,29,912	39,24,588	42,54,500	53,59,300	

Deposits

Deposits of Securities	25,479	59,822	17,597	50,000	18,506	21,494	40,000	40,000
Other Deposits	..	5,181	4,516	..	2,00,242	(—)10,242	1,90,000	..
TOTAL—Deposits	25,479	65,003	22,113	50,000	2,18,748	11,252	2,30,000	40,000

Advances

(a) Permanent Advances	95	143	962	..	722	78	800	..
(b) Advances to the employees of the Corporation :								
(i) Advance of pay on transfer .	28,714	28,179	19,776	32,000	20,182	19,818	40,000	35,000
(ii) Advance of T.A. on transfer	34,655	34,30	24,229	30,000	22,223	17,767	40,000	40,000
(iii) Advance for the purchase of motor conveyances .	11,286	6,099	14,969	24,000	25,173	14,827	40,000	50,000
(iv) Advance for the purchase of other conveyances .	13,341	18,256	20,465	30,000	16,8000	8,200	25,000	30,000
(v) Miscellaneous	64,326	94,251	1,06,930	1,25,000	34,887	1,45,113	1,80,000	2,00,000
(c) Other Advances :								
(i) Advance payments on behalf of State Governments	1,234	516	3,967	2,000	1,365	1,635	3,000	2,500

I	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
(ii) Advance to the bank for the purchase of Securities	60	..	1,58,37,634	..	57,05,100	1,50,62,000	2,07,67,100	..	..
(iii) Miscellaneous	1,05,928	1,13,543	1,40,624	2,00,000	41,127	1,58,873	2,00,000	2,00,000	2,00,000
TOTAL—Advances	2,59,639	2,95,517	1,61,69,556	4,43,000	58,67,589	1,54,28,311	2,12,95,900	5,57,500	..
Remittances									
Cash Remittances	4,96,300	..	..	..	8,94,54,184	(-)1,12,25,684	7,82,28,500	..	..
Other Remittances	..	..	..	..	93,64,127	(-)4,72,627	88,91,500	..	..
TOTAL—Remittances	4,96,300	..	..	..	9,88,18,311	(-)1,16,98,311	8,71,20,000	..	..
TOTAL—Debt, Deposits, Advances, Suspense & Remittances	43,46,195	51,62,473	2,12,36,041	60,57,000	10,57,29,984	83,96,416	11,141,26,400	73,36,800	..
TOTAL—Receipts	7,66,27,667	8,38,99,637	11,55,75,428	11,23,35,000	17,58,08,047	3,97,42,353	21,55,50,400	11,48,60,800	..
Opening Balance.	₹55,71,680	69,65,788	70,52,558	56,76,558	71,88,825	..	71,88,825	50,96,425	..
GRAND TOTAL	8,21,99,347	9,08,65,425	12,26,27,986	11,80,11,558	18,29,96,872	3,97,42,353	22,27,39,225	11,99,57,225	..

NOTE.—The detailed heads under which no figures appear have been omitted.

T. P. KHOSLA,
Chief Accounts Officer,
Employees' State Insurance Corporation.

EMPLOYEES' STATE INSURANCE CORPORATION

REVISED ESTIMATES FOR THE YEAR 1961-62 AND BUDGET ESTIMATES FOR THE YEAR 1962-63.

EXPENDITURE

STATEMENT 'A'

Heads of Account	Actuals for the year 1958-59	Actuals for the year 1959-60	Actuals for the year 1960-61	Sanctioned budget estimates for the current year 1961-62	Revised Estimates for the Current year 1961-62			Budget estimate for the next year 1962-63	
					Actuals of first 8 months of the current year 1961-62	Anticipated expenditure of the remaining 4 months of the current year 1961-62	Revised estimates for the current year 1961-62 (Cols. 7 & 8)		
1	2	3	4	5	6	7	8	9	10
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. <i>Expenditure on Revenue Account.</i>									
Benefits to in- sured persons & their families	..	..	..	..	..	..	..	..	..
A— <i>Medical Bene- fits :</i>									
Payments to State Governments, etc. as Corpora- tion's Share of their expenses on providing medical treatment, ma- ternity facilities etc.	1,68,46,691	2,19,28,014	2,48,67,285	4,95,00,000	51,73,423	2,61,46,577	3,13,20,000	5,49,22,000	

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Medical treatment and care and maternity facilities (expenses incurred direct by the Corporation).	..	..	..	..	..	.	.	..
Expenditure on Health Education Scheme . . .	..	..	..	..	..	..	.	..	78,000
TOTAL A—Medical Benefits .	1,68,46,691	2,19,28,014	2,48,67,285	4,95,00,000	51,73,423	2,61,46,577	3,13,20,000	5,50,00,000	
B—Cash Benefits :									
Sickness Benefit .	1,79,78,393	2,15,93,937	2,48,76,290	2,85,00,000	2,00,29,774	99,83,226	3,00,13,000	3,16,24,000	
Extended Sickness Benefit . . .	5,64,482	6,20,316	8,02,946	13,68,000	7,31,729	3,53,271	10,85,000	11,42,000	
Maternity Benefit .	10,26,047	13,59,490	15,15,702	18,47,000	11,83,335	6,20,665	18,04,000	19,63,000	
Disablement Benefit . . .	40,70,969	59,14,923	63,41,365	74,57,000	26,77,916	44,22,084	71,00,000	85,11,000	
Dependants' Benefit . . .	9,31,500	10,10,541	11,73,450	14,84,000	2,99,720	9,70,280	12,70,000	16,10,000	
TOTAL B—Cash Benefits . . .	2,45,71,391	3,04,99,207	3,47,09,753	4,06,56,000	2,49,22,474	1,63,49,526	4,12,72,000	4,48,50,000	
Provision of artificial limbs to disabled insured persons . . .	17,922	13,376	24,076	50,000	4,447	35,553	40,000	45,000	

Medical Boards .	46,096	34,293	57,902	96,500	40,144	38,836	79,000	92,000
Fees paid for post-mortem examination of insured persons .	141	108	101	500	16	(—) 16	..	..
Payment to insured persons on account of conveyance charges &/ or loss of wages .	22,954	35,994	20,221	37,000	17,886	11,114	29,000	36,000
Cost of artificial teeth provided to the Insured persons .	..	86	126	1,000	73	927	1,000	1,000
Grant-in-aid .	..	..	5,000	20,000	5,000	10,000	15,000	20,200
Miscellaneous .	10 650	30,224	55,418	76,000	44,247	29,753	74,000	87,000
TOTAL C—Other Benefits .	97,763	1,34,081	1,62,844	2,81,000	1,11,813	1,26,187	2,39,000	2,81,000
TOTAL OF HEAD-I—Benefits .	4,15,15,845	5,25,61,302	5,97,39,882	9,04,37,000	3,02,07,710	4,26,22,290	7,28,30,000	10,01,31,000
2. Administration Expenses .								
A—Superintendence Corporation, Standing Committee, Regional Boards etc.								
(i) T.A. .	5,640	23,628	20,581	38,000	16,417	11,583	28,000	37,400
(ii) Miscellaneous	467	1,030	1,536	2,000	888	1,112	2,000	2,900
TOTAL—Corporation, Standing Committee, Regional Boards, etc.	6,107	24,658	22,117	40,000	17,305	12,695	30,000	40,300

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Principal Officers :									
(i) Pay of Principal Officers .		55,016	55,055	91,658	1,13,000	74,566	37,034	1,11,600	1,17,500
(ii) Allowances & Honoraria .		24,012	24,633	30,940	46,000	22,403	8,997	31,400	36,500
(iii) Leave and Pension Contribution .		6,472	12,912	13,525	16,000	11,715	7,285	19,000	22,000
(iv) Contribution to ESIC Provident Fund
TOTAL—Principal Officers . .		85,500	92,600	1,36,123	1,75,000	1,08,684	53,316	1,62,000	1,76,000
Other Officers :									
(i) Pay of other Officers .		4,29,459	5,28,486	5,60,341	6,00,000	4,22,739	2,36,561	6,59,300	7,80,800
(ii) Allowances & Honoraria .		2,16,092	2,53,875	2,68,001	3,88,000	1,64,451	1,25,949	2,90,400	3,21,600
(iii) Leave and Pension Contribution .		12,648	20,099	14,731	12,000	9,121	2,379	11,500	12,600
(iv) Contribution to ESIC Provident Fund
TOTAL—Other Officers . . .		7,658,199	8,02,460	8,43,075	10,00,000	5,96,311	3,64,889	9,61,200	11,15,000

Ministerial Establishments :

(i) Pay of Establishment .	9,41,663	10,59,489	11,69,395	14,76,000	14,79,772	7,01,128	21,80,900	25,72,600
(ii) Allowances & Honoraria .	9,87,537	10,77,942	11,72,305	13,74,000	4,79,328	2,71,272	7,50,600	8,66,500
(iii) Leave and Pension Contribution .	275	..	143	..	938	362	1,300	900
(iv) Contribution to ESIC Provident Fund .	2,27,850	2,63,311	3,01,239	3,50,000	..	3,40,000	3,40,000	3,50,000
TOTAL—Ministerial Establishments .	21,57,325	24,00,742	26,43,082	32,00,000	19,60,038	13,12,762	32,72,800	37,90,000

Class IV Servants

(i) Pay of Class IV Servants .	1,26,354	1,50,107	1,71,453	2,00,000	2,91,163	1,40,337	4,31,500	4,67,800
(ii) Allowances & Honoraria .	2,34,678	2,72,366	3,09,151	3,60,000	1,13,485	66,015	1,79,500	2,03,600
(iii) Contribution to ESIC Provident Fund .	..	..	..	..	..	..	..	..
TOTAL—Class IV Servants .	3,61,032	4,22,473	4,80,604	5,60,000	4,04,648	2,06,352	6,11,000	6,71,400

Contingencies :

(a) Postage, Telegram and Telephone Charges	1,38,708	1,61,800	1,79,685	2,50,000	1,36,514	88,286	2,24,800	2,47,000
(b) Stationery and Forms .	5,63,402	11,70,484	8,89,699	12,72,000	3,47,116	5,52,884	9,00,000	15,47,600

1	2	3	4	5	6	7	9	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
(c) Contribution Stamps . . .		54,901	46,566	71,911	80,000	76,205	3,795	80,000	85,000
(d) Purchase, Re- pair and Main- tenance of Type- writers, Dupli- cators etc. .		17,612	26,362	18,447	32,000	6,739	18,261	25,000	36,900
(e) Purchase, Re- pair & Mainten- ance, etc. of Adrema Equip- ments .		32,627	46,063	34,742	1,00,000	6,381	73,619	80,000	91,700
(f) Rents, Rates and Taxes .		1,59,858	2,07,228	2,22,540	4,20,000	1,51,162	1,18,938	2,70,100	4,08,300
(g) Furniture .		23,862	28,581	39,745	55,000	11,115	38,885	50,000	33,300
(h) Special equip- ment for re- cords . .		32,325	10,406	12,136	25,000	4,946	30,054	55,000	26,600
(i) Purchase, Re- pair, Maintenance, etc. of General Articles of Office use . .		11,074	24,376	44,024	50,000	17,138	26,863	44,000	24,600
(j) Purchase, Re- pair & Mainten- ance of Cycles .		1,354	484	526	1,000	129	1,071	1,200	900
(k) Purchase, Re- pair & Mainten- ance of Liveries .		15,338	21,636	14,780	45,000	9,538	34,862	44,400	33,500
(l) Books, Peri- odicals and other publications .		5,665	2,786	5,460	8,000	1,892	3,808	5,700	7,800

(*) Photographs of workers . . . . .	..	..	..	..	..	..	..	..
(*) Hot and cold weather charges	2,882	3,797	3,941	6,000	2,091	2,009	4,100	6,900
(o) Repair and Maintenance of Staff Cars . . . . .	..	..	1,896	11,000	2,676	3,224	6,900	7,700
(p) Miscellaneous	77,337	92,042	89,266	1,45,000	68,705	31,295	1,00,000	1,46,000
TOTAL—CONTINGENCIES	11,36,943	18,42,611	16,28,798	25,00,000	8,42,346	10,28,854	18,71,200	27,03,800
TOTAL—A—SUPERINTENDENCE	44,05,106	55,85,544	57,53,797	74,75,000	39,29,332	29,78,868	69,08,200	84,96,500
B—FIELD WORK								
Officers:								
(i) Pay of Officers	77,565	82,736	84,800	1,00,000	54,852	53,248	1,08,100	1,18,100
(ii) Allowances & Honoraria	35,173	38,970	39,359	55,000	21,591	10,509	32,100	42,400
(iii) Leave and Pension contribution . . . . .	..	..	..	..	..	..	..	..
(iv) Contribution to ESIC Provident Fund . . . . .	..	..	..	..	..	..	..	..
TOTAL—OFFICERS	1,12,738	1,21,706	1,24,159	1,55,000	76,443	63,757	1,40,200	2,00,700
Ministerial Establishment:								
(i) Pay of Establishment	10,67,338	12,74,594	15,27,823	18,41,000	17,14,282	9,51,518	26,65,800	35,57,700
(ii) Allowances & Honoraria	8,82,675	10,11,810	11,68,887	13,00,000	4,61,069	2,69,631	7,30,700	7,77,000

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
(iii) Leave and Pension contribution . .		617	116	(—)	..	..	..	..	..
(iv) Contribution to ESIC Provident Fund.
TOTAL—MINISTERIAL ESTABLISHMENT		19,50,630	22,86,520	26,96,708	31,41,000	21,75,351	12,21,149	33,96,500	43,34,700
Class IV Servants									
(i) Pay of Class IV Servants .		1,21,745	1,43,530	1,96,533	2,50,000	2,96,865	1,49,035	4,45,900	5,84,200
(ii) Allowances & Honoraria .		2,13,758	2,41,907	2,82,842	3,30,000	87,125	66,575	1,53,700	1,76,600
(iii) Contribution to ESIC Provident Fund.
TOTAL—CLASS IV SERVANTS		3,35,503	3,85,437	4,52,375	5,80,000	3,83,990	2,15,610	5,99,600	7,60,800
Contingencies									
(a) Postage, Telegram & Telephone Charges .		31,190	38,548	81,859	1,10,000	56,201	43,059	99,400	1,23,000
(b) Stationery & Forms . .		2,275	33,017	3,474	18,000	2,629	9,171	11,800	32,000
(c) Contributions Stamps
(d) Purchase, Repair & Maintenance of Typewriters, Dupli- cators, etc.		3,451	11,279	31,741	45,000	5,199	24,801	30,000	34,000

(e) Rents, Rates and Taxes .	1,70,072	1,95,017	2,58,768	3,40,000	1,92,261	1,32,739	3,25,000	5,20,900
(f) Furniture .	11,715	39,033	58,186	1,30,000	10,929	89,071	1,00,000	81,500
(g) Special equipment for records .	52,899	1,14,807	1,76,152	1,70,000	8,741	1,61,259	1,70,000	1,68,900
(h) Purchase, Repair & Maintenance, etc. of General Articles of office use .	8,647	23,681	52,379	1,00,000	15,927	59,073	75,000	65,500
(i) Purchase, Repair & Maintenance of Cycles .	484	538	405	6,000	232	768	1,000	2,400
(j) Purchase, Repair & Maintenance of Liveries .	2,574	5,083	5,729	20,000	3,548	16,452	20,000	36,400
(k) Books, Periodicals and other publications .	28	192	416	1,000	24	576	600	3,700
(l) Hot and Cold weather charges	1,745	2,589	2,983	10,000	3,686	1,014	4,700	12,200
(m) Miscellaneous	37,760	49,622	74,665	1,00,000	49,563	32,637	82,200	1,20,700
TOTAL—CONTINGENCIES .	3,22,840	4,83,406	7,46,757	10,50,000	3,49,040	5,70,660	9,19,700	12,01,200
TOTAL—B—FIELD WORK .	27,21,711	32,77,069	40,19,999	49,26,000	29,84,824	20,71,176	50,56,000	64,97,400
C—OTHER CHARGES								
Legal charges .	46,181	75,002	63,755	74,900	66,689	45,311	1,12,000	1,10,000
Insurance Courts .	589	12,088	17,412	80,000	12,945	27,055	40,000	50,000

Miscellaneous . . .	..	10	14,082	..	28,953	2,047	31,000	5,000
Losses . . .	..	2,347	10	..	..	..	..	..
TOTAL—C—OTHER CHARGES . . .	1,02,537	1,52,277	1,74,902	2,58,500	1,34,865	1,85,435	3,20,300	3,90,200
TOTAL OF HEADS 2—								
ADMINISTRATION EXPENSES . . .	72,29,354	90,14,890	99,48,698	1,26,59,500	70,49,021	52,35,479	1,22,84,500	1,53,84,100
3 Interest on loans:—								
Interest on loans from Central Government . . .	..	..	..	..	..	..	..	..
Interest paid to the E.S.I.C. Provident Fund . . .	65,149	88,082	1,12,596	1,38,200	..	1,30,000	1,30,000	1,50,000
Deduct—Interest accrued &/or realised on investments of Provident Fund balance . . .	(—)19,538	(—)17,951	(—)17,951	(—)18,700	(—)13,457	(—)5,043	(—)18,500	(—)18,100
TOTAL HEAD 3—								
INTEREST ON LOANS	45,611	70,131	94,645	1,19,500	(—)13,457	1,24,957	1,11,500	1,31,900
TOTAL ADMINISTRATIVE EXPENDITURE (HEADS 2+3) . . .	72,74,965	90,85,021	1,00,43,343	1,27,79,000	70,35,564	53,60,436	1,23,96,000	1,55,16,000
TOTAL EXPENDITURE ON REVENUE ACCOUNT . . .	4,87,90,810	6,16,46,323	6,97,83,225	10,32,16,000	3,72,43,274	4,79,82,726	8,52,26,000	11,56,47,000

Ordinary Debt

Loans:

Loans to Central Government (Repayment) . . . . .	.	..	.	..	..	..	..	..
Loans to State Government . . . . .	..	..	.	25,00,000	..	25,00,000	25,00,000	..

Unfunded Debt

E.S.I.C. Provident Fund:—

Payments to subscribers	92,958	1,62,459	2,54,014	2,20,000	1,16,073	1,83,927	3,00,000	3,08,000
TOTAL—DEBTS	92,958	1,62,459	2,34,014	27,20,000	1,16,073	26,83,927	28,00,000	3,08,000

Deposits and Advances

Reserve Funds

Depreciation Reserve Fund Account of buildings for the offices of the Corporation:

Depreciation Reserve Fund Investment Account of buildings for the offices of the Corporation

10,000	8,000	6,500	7,000	7,000	4,400	11,400	11,400
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1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Depreciation Reserve Fund Account of Equipments in Hospitals and Examination Centres:									
Depreciation Reserve Fund Investment Account of Equipments in Hospitals & Examination Centres	1,400	1,500	4,500	2,600	7,100	5,000	
Depreciation Reserve Fund Account of Equipments in Hospitals and Examination Centres:									
Depreciation Reserve Fund Investment Account of Equipments in Hospitals and Examination Centres	2,000	2,000	—1,000	1,000	1,000	
Depreciation Reserve Fund of Staff Cars Investment Account	3,000	3,200	6,200	6,200	

Repair & Maintenance Reserve Fund Account of buildings for the offices of the Corporation:								
Repair & Maintenance Reserve Fund of buildings for the offices of the Corporation Investment Account	..	..	..	..	13,987	13	14,000	6,400
Deduct—Realisation on maturity or sale of investment . .	..	..	..	—12,500	—12,673	—27	—12,700	..
Permanent (Partial & Total) Disablement Benefit Reserve Fund Account : . .								
Permanent (Partial & Total) Disablement Benefit Reserve Fund Investment Account :	12,83,531	20,67,000	31,35,961	28,10,000	..	31,22,000	31,22,000	33,56,000
Dependants' Benefit Reserve Fund Account :								
Dependants' Benefit Reserve Fund Investment Account . .	4,45,500	7,87,800	8,16,982	9,73,000	..	9,25,000	9,25,000	8,66,500
TOTAL RESERVE FUNDS	17,39,031	28,62,800	39,60,843	37,81,000	17,814	40,56,186	40,74,000	42,52,500

I	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
<i>Deposits</i>									
Deposits of Securities		34,343	32,358	35,827	50,000	24,689	15,311	40,000	40,000
Other Deposits:—									
Other deposits		3,065	..	..	..	1,81,613	8,387	1,90,000	..
TOTAL DEPOSITS		37,408	32,356	35,827	50,000	2,06,302	23,698	2,30,000	40,000
<i>Advances</i>									
(a) Permanent advances		2,135	3,168	1,237	5,000	543	2,457	3,000	10,000
(b) Advances to Employees of the Corporation:—									
(i) Advance of Pay on transfer		31,752	27,532	19,921	32,000	21,707	18,293	40,000	35,000
(ii) Advance of T. A. on transfer		38,125	33,323	23,913	30,000	25,914	14,086	40,000	40,000
(iii) Advance for the purchase of motor conveyances		7,218	17,400	30,900	40,000	38,967	21,033	60,000	70,000
(iv) Advance for the purchase of other conveyances		14,237	17,495	25,911	30,000	29,306	10,694	40,000	40,000
(v) House building Advances	50,000
(vi) Miscellaneous		76,460	91,128	1,13,025	1,25,000	1,20,321	59,679	1,80,000	2,00,000

(c) Other Advances:—

(i) Advance payments on behalf of State Governments . . .

1,723 1,463 5,408 3,000 2,549 —49 2,500 2,500

(ii) Advance to the Bank for purchase of Securities . . .

.. 90 1,58,37,545 .. 2,07,67,100 .. 2,07,67,100 ..

(iii) Miscellaneous

1,22,384 58,588 1,36,264 2,00,000 78,786 1,21,214 2,00,000 2,00,000

(g) Income tax deductions receivable . . .

(—)1,03,437 (—)2,26,798

TOTAL—ADVANCES

1,90,597 23,389 1,61,94,125 4,65,000 2,10,85,193 2,47,407 2,13,32,600 6,47,500

Remittances

(i) Cash remittances . . .

.. 4,72,804 72,749 .. 8,96,00,778 (—)1,13,72,278 7,82,28,500 ..

(ii) Other remittances . . .

.. 246 1,15,90,283 (—)26,98,783 88,91,500 ..

TOTAL—REMITTANCES

.. 4,73,050 72,749 .. 10,11,91,061 (—)1,40,71,061 8,71,20,000 ..

TOTAL—DEBT, DEPOSITS, ADVANCES, SUSPENSES AND REMITTANCES . . .

20,59,994 35,54,054 2,04,97,558 70,16,000 12,26,16,443 (—)70,59,843 11,55,56,600 52,48,000

TOTAL DISBURSEMENT . . .

5,12,24,301 8,71,12,602 9,59,94,490 13,11,33,000 16,86,89,407 5,70,93,193 22,57,82,600 16,08,95,000

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
<i>Cash Balances</i>									
(a) Investments:-									
(i) E. S. I. Corporation Provident Fund .									
(a) Investments during the year . . .									
		6,05,000	6,30,000	6,84,500	8,68,000	6,22,994	3,03,006	9,26,000	10,72,000
<i>Deduct—Realisation on maturity or sale of investment . . .</i>									
		(—)87,000	..	..	(—)6,300	(—)6,337	37	(—)6,300	(—)2,700
(ii) General Cash Balances :—									
(a) Investments during the year . . .									
		4,02,02,294	3,93,70,265	5,21,36,473	6,06,49,000	4,69,48,241	1,90,95,159	6,60,43,400	3,41,22,400
<i>Deduct—Realisation on maturity or sale of investment . . .</i>									
		(—)1,67,11,036	(—)2,33,00,000	(—)3,33,76,302	(—)8,03,00,000	(—)4,84,70,781	(—)2,66,32,119	(—)7,51,02,900	(—)8,11,70,000
(b) Cash Balances :—									
(i) Cash in hand									
(ii) Cash with Bankers									
		69,65,788	70,52,558	71,88,825	56,67,858	1,52,13,348	(—)1,01,16,923	50,96,425	50,40,525
GRAND TOTAL .		8,21,99,347	9,08,65,425	12,26,27,986	11,80,11,558	18,29,96,872	3,97,42,353	22,27,39,225	11,99,57,225

Note—1. The detailed heads under which no figures appear have been omitted.

2. The figures in respect of Contribution to E.S.I.C. Provident Fund for all Categories of employees have been shown under "A—Superintendence—Ministerial Establishments".

(T. P. KHOSLA),
Chief Accounts Officer,
Employees' State Insurance Corporation.

EMPLOYEES' STATE INSURANCE CORPORATION

Income and Expenditure Account for the year ended 31st March 1962 (Estimates)

INCOME

EXPENDITURE

Head of Account	Amount	Head of Account	Amount
	Rs.		Rs.
By Contributions :—		1. Benefits to insured persons and their families	
Employers' Share only	3,97,08,000	A—Medical Benefits.	
Employees' Share only	5,38,57,000	Payments to State Govts. etc., as Corporation's share of their expenses on providing medical treatment, maternity facilities, etc.	3,13,20,000
Total Contributions	9,35,65,000	TOTAL A—MEDICAL BENEFITS	3,13,20,000
Grant-in-aid	3,000	B—Cash Benefits.	
Other Heads of Revenue.		(1) Sickness Benefit	3,00,13,000
Interest and Dividends	77,06,500	(2) Extended Sickness Benefit	10,85,000
Compensations . . . . .	..	(3) Maternity Benefit	18,04,000
Rents, Rates and Taxes	13,000	(4) Disablement Benefit	71,00,000
Fees, Fines & Forfeitures	12,100	(5) Dependants' Benefit	12,70,000
Miscellaneous	1,24,400	TOTAL B—CASH BENEFITS	4,12,72,000
Total other heads of Revenue	78,56,000	C—Other Benefits.	
		(1) Provision of Artificial limbs	40,000
		(2) Medical Boards	79,000
		(3) Fees paid for post-mortem examination of insured persons . . . .	..
		(4) Payments to insured persons on account of conveyance charges &/or loss of wages	29,000
		(5) Cost of artificial teeth provided to insured persons	1,000
		(6) Grant-in-aid	15,000
		(7) Miscellaneous	74,000
		TOTAL C—OTHER BENEFITS	2,38,000
		TOTAL I—BENEFITS TO INSURED PERSONS AND THEIR FAMILIES	7,28,30,000

2. Administration Expenses.

A—Superintendence.

(1) Corporation, Standing Committee, Regional Boards, etc.	30,000	
(2) Principal Officers	1,62,000	
(3) Other Officers	9,61,200	
(4) Ministerial Establishment	32,72,800	
(5) Class IV Servants	7,11,000	
(6) Contingencies	18,71,200	
TOTAL A—SUPERINTENDENCE		69,08,200

B—Field Work.

(1) Officers	1,40,200	
(2) Ministerial Establishment	33,96,500	
(3) Class IV Servants	5,99,600	
(4) Contingencies	9,19,700	
TOTAL B—FIELD WORK		50,56,000

C—Other Charges.

(1) Legal Charges	1,12,000	
(2) Insurance Courts	40,000	
(3) Publicity & Advertisement	25,000	
(4) Charges for maintaining Bank- ing Accounts	20,000	
(5) Audit Fees	40,000	
(6) Repair, Maintenance and Depre- ciations, etc	52,300	
(7) Miscellaneous	31,000	
TOTAL C—OTHER CHARGES		3,20,300
TOTAL 2—ADMINISTRATION EXPENSES		1,22,84,500

Interest on Loans :

Interest paid to the Employees' State Insurance Provident Fund	1,30,000	
Less Interest realised on investments of Provident Fund balances	(—)18,500	1,11,500
Total Expenditure on Revenue Account To excess of Income over Expenditure c/o to Balance Sheet		1,61,98,000

TOTAL 10,14,24,000

TOTAL 10,14,24,000

(T. P. KHOSLA),
Chief Accounts Officer,
Employees' State Insurance Corporation.

EMPLOYEES' STATE INSURANCE CORPORATION

Balance Sheet as on 31st March, 1962 (Estimates)

LIABILITIES	AMOUNT	ASSETS	AMOUNT
	Rs.		Rs.
<i>Employees' State Insurance Corporation Provident Fund</i>		<i>Land and Buildings .</i>	
As per last balance sheet	35,98,677	(a) <i>Buildings for office of the Corpora- tion.</i>	
Add Amount credited during the year	12,26,000	As per last balance sheet	25,93,935
	48,24,677	Additions during the year	15,00,000
Less Payments made during the year	3,00,000		40,93,935
	45,24,677	(b) <i>Hospitals and Dispensaries.</i>	
<i>Deposits of securities e.g. by Contractors</i>		As per last balance sheet	68,20,926
As per last balance sheet	37,851	Additions during the year	203,85,000
Add Deposits during the year	40,000		2,72,05,926
	77,851	(c) <i>Equipments for Hospitals etc.</i>	
Less Deposits repaid during the year	40,000	As per last balance sheet	19,015
	37,851	Add Payments made during the year	31,00,000
<i>Other Deposits .</i>			31,19,015
As per last balance sheet	13,010	<i>Purchase of Staff Cars.</i>	
Add Deposits made during the year	1,90,000	As per last balance sheet	40,704
	2,03,010	Additions during the year	15,000
Less Payments made during the year	1,90,000		55,704
	13,010	<i>Loans to State Governments.</i>	
<i>Depreciation Reserve Fund of buildings for the office of the Corporation</i>		<i>Permanent Advance to the Heads of Offices of the Corporation</i>	
As per last balance sheet	1,09,225	As per last balance sheet	14,231
Add Provision made during the year	11,400	Add Payments made during the year	3,000
	1,20,625		17,231
(Includes Rs. 1,900/- on account of interest received from investments during the year).		Less Recoveries made during the year	800
		<i>Advance of Pay on transfer to the employees of the Corporation</i>	
			16,431

<i>Depreciation Reserve Fund of equipments in Hospital & Examination Centres :</i>			As per last balance sheet	4,436	
As per last balance sheet	5,992		Add Payments made during the year	40,000	
Add Provision made during the year	7,100	13,092			
			Less Recoveries made during the year	44,436	4,436
				40,000	
<i>Depreciation Reserve Fund account of Hospital Buildings.</i>			<i>Advance of T.A. on transfer to the employees of the Corporation.</i>		
As per last balance sheet	2,181		As per last balance sheet	5,330	
Add Provision made during the year	1,000	3,181	Add Payments made during the year	40,000	
<i>Depreciation Reserve Fund account of Staff Cars.</i>			Less Recoveries made during the year	45,330	5,330
As per last balance sheet	3,085			40,000	
Add Provision made during the year	6,200	9,285			
			<i>Advance for purchase of conveyances to the employees of the Corporation</i>		
<i>Repairs & Maintenance Reserve Fund of buildings for the offices of the Corporation.</i>			As per last balance sheet	65,194	
As per last balance sheet	91,164		Add Payments made during the year	1,00,000	
Add Provision made during the year	32,400				
			Less Loans received during the year	1,65,194	1,00,194
				65,000	
(Includes Rs.2,600/- on account of interest received from investments of the balance and Rs. 1,300/- on account of Gain on realisation of investment).	1,23,564		<i>Miscellaneous advances to the employees of the Corporation (festival advances)</i>		
Less Payments made during the year	26,000	97,564	As per last balance sheet	17,111	
			Add Payments made during the year	1,80,000	
<i>Permanent (Partial & Total) Disablement Benefit Reserve Fund.</i>			Less Recoveries made during the year	1,97,111	17,111
As per last balance sheet	1,25,14,982			1,80,000	
Add Provision made during the year	45,52,000				
			<i>Advance payments on behalf of State Governments.</i>		
	1,70,66,982		As per last balance sheet	4,362	
(Includes Rs. 4,62,000/- on account of interest received from investments of the balance).			Add Payments made during the year	2,500	
Less Payments made during the year	11,96,000	1,58,70,982			
			Less Recoveries made during the year	6,862	3,862
				3,000	
			<i>Advance to the Bank for purchase of securities.</i>		

1	2	3	4	5	6
	Rs.	Rs.		Rs.	Rs.
<i>Dependants' Benefit Reserve Fund.</i>					
As per last balance sheet	39,25,896		As per last balance sheet . . . . .	..
Add Provision made during the year	14,15,400		Add Payments made during the year	2,07,67,100	
			Less Adjustments made during the year	2,07,67,100	
(Includes Rs. 1,45,400/- on account of interest received from investments of the balance).	53,41,296				
Less Payments made during the year	5,49,000	47,92,296			
<i>Income and Expenditure Account</i>			<i>Miscellaneous Advances</i>		
Excess of Income over Expenditure			As per last balance sheet	1,90,568	
As per last balance sheet	20,42,29,240		Add Payments made during the year	2,00,000	
Add Balance of excess of income over expenditure during the year 1961-62	1,61,98,000	22,04,27,240		3,90,568	
			Less Receipts during the year	2,00,000	1,90,568
			<i>Remittances.</i>		
			As per last balance sheet	66,500	
			Add Debits adjusted during the year	8,71,20,000	
				8,71,86,500	
			Less Credits adjusted during the year	8,71,20,000	66,500
			<i>Investments at cost.</i>		
			(a) <i>Depreciation Reserve Fund of buildings for the offices of Corporation.</i>		
			As per last balance sheet	1,02,353	
			Add Investments made during the year	11,400	1,13,753
			(b) <i>Depreciation Reserve Fund Account of equipment in Hospitals & Examination Centres.</i>		
			As per last balance sheet	1,400	
			Add Investment made during the year	7,100	8,500
			<i>Depreciation Reserve Fund Account staff cars investment Account</i>		6,200

(c) <i>Depreciation Reserve Fund Account of Hospitals buildings.</i>		
As per last balance sheet . . . . .	..
Add Investments made during the year	1,000	1,000
(d) <i>Repairs & Maintenance Reserve Fund buildings for the offices of the Corporation.</i>		
As per last balance sheet	86,088	
Add Investment during the year	14,000	
	1,00,088	
Less Realisation on maturity of sale of securities	12,700	87,388
(e) <i>Permanent (Partial & Total) Disablement Benefit Reserve Fund.</i>		
As per last balance sheet	93,66,723	
Add Investments made during the year	31,22,000	1,24,88,723
(f) <i>Dependants' Benefit Reserve Fund.</i>		
As per last balance sheet	29,92,691	
Add Investments made during the year	9,25,000	39,17,691
<i>Cash Balance.</i>		
(a) <i>Investments:</i>		
(i) <i>E.S.I.C. Provident Fund.</i>		
As per last balance sheet	31,18,337	
Add Investments during the year	9,26,000	
	40,44,337	
Less Realisation on maturity or sale of investment	6,300	40,38,037
(ii) <i>General Cash Balance.</i>		
As per last balance sheet	19,18,32,574	
Add Investments made during the year	6,60,43,400	
	25,78,75,974	

1	2	3	4	5	6
	Rs.	Rs.		Rs.	Rs.
			<i>Less</i> Realisation on maturity or sale of investments	(--) <u>7,51,02,900</u>	18,27,73,074
			(b) <i>Cash Balance.</i>		
			Cash in hand and with bankers		50,96,425
TOTAL		<u>24,59,09,803</u>	TOTAL		<u>24,59,09,803</u>

(T. P. KHOSLA),
 Chief Accounts Officer,
 Employees' State Insurance Corporation.

EMPLOYEES STATE INSURANCE CORPORATION

Income and Expenditure Account for the Year ended 31st March, 1963 (Estimate)

INCOME			EXPENDITURE		
Head of Account	Amount		Head of Account	Amount	
	Rs.	Rs.		Rs.	Rs.
By Contributions:—			1. Benefits to insured persons and their families.		
Employers' share only	4,05,49,000		A—Medical Benefits.		
Employees' share only	5,92,99,000		(i) Payments to State Govts. etc. as Corporation's share of their expenses on providing medical treatment, maternity facilities, etc	5,49,22,000	
Total Contributions		9,98,48,000	(ii) Medical treatment & care and maternity facilities (expenses incurred direct by the Corporation) Expenditure on Health Education Scheme	78,000	
Other Heads of Revenue			Total—A—Medical Benefits		5,50,00,000
Interest and Dividends	75,25,500		B—Cash Benefits.		
Compensations . . . . .	..		1. Sickness Benefit	3,16,24,000	
Rents, Rates & Taxes	13,000		2. Extended Sickness Benefit	11,42,000	
Fees, Fines & Forfeiture	2,200		3. Maternity Benefit	19,63,000	
Miscellaneous	1,35,300		4. Disablement Benefit	85,11,000	
Total other heads of Revenue		76,76,000	5. Dependents' Benefit	16,10,000	
			Total B—Cash Benefits		4,48,50,000
			C—Other Benefits.		
			1. Provision of Artificial limbs.	45,000	
			2. Medical Boards	92,000	
			3. Fees paid for post-mortem examination of insured persons . . . . .	..
			4. Payments to insured persons on account of conveyance charges and/or loss of wages	36,000	
			5. Cost of artificial teeth provided to insured persons	1,000	
			6. Grant-in-aid	20,000	
			7. Miscellaneous	87,000	
			Total C—Other Benefits		2,81,000
			Total—Benefits to insured persons and their families		10,01,31,000

1	2	3	4	5	6
		Rs.		Rs.	Rs.
	<i>2. Administration Expenses.</i>				
	<i>A—Superintendence.</i>				
	1. Corporation, Standing Committee, Regional Boards, etc.			40,300	
	2. Principal Officers			1,76,000	
	3. Other Officers			11,15,000	
	4. Ministerial Establishment			37,90,000	
	5. Class IV Servants.			6,71,400	
	6. Contingencies			27,03,800	
	<i>Total A—Superintendence</i>				84,96,500
	<i>B—Field Work.</i>				
	1. Officers			2,00,700	
	2. Ministerial Establishment			43,34,700	
	3. Class IV Servants.			7,60,800	
	4. Contingencies			12,01,200	
	<i>Total B—Field Work.</i>				64,97,400
	<i>C—Other Charges.</i>				
	1. Legal Charges			1,10,000	
	2. Insurance Courts			50,000	
	3. Publicity & Advertisement			80,000	
	4. Charges for maintaining Banking Accounts.			25,000	
	5. Audit Fees			50,000	
	6. Repair, Maintenance & Depreciation etc.			70,200	
	7. Miscellaneous			5,000	
	<i>Total C—Other Charges</i>				3,90,200
	<i>Total 2—Administration Expenses</i>				1,53,84,100

Interest on loans

Interest paid to the Employees' State Insurance Provident Fund	1,50,000	
Less, Interest realised on investments of Provident Fund balances	(—)18,100	1,31,900
<i>Total Expenditure on Revenue Account</i>		11,56,47,000
To excess of Expenditure over income c/o to Balance Sheet.		(—)81,23,000
TOTAL:	10,75,24,000	TOTAL 10,75,23,000

T.P. KHOSLA,
Chief Accounts Officer,
Employees' State Insurance Corporation

EMPLOYEE'S STATE INSURANCE CORPORATION

Balance Sheet as at 31st March, 1963 (Estimates)

LIABILITIES		AMOUNT		ASSETS		AMOUNT	
	Rs.	Rs.			Rs.	Rs.	
<i>Employees' State Insurance Corporation Provident Fund.</i>				<i>Lands and Buildings.</i>			
As per last balance sheet	45,24,677			(a) Buildings for offices of the Corporation			
Add Amount credited during the year	13,80,000			As per last balance sheet	40,93,935		
	59,04,677			Additions during the year	25,00,000	65,93,935	
Less Payments made during the year	3,08,000	55,96,677		(b) Hospitals and Dispensaries.			
				As per last balance sheet	2,72,05,926		
				Additions during the year	3,54,70,000	6,26,75,926	
<i>Deposits of Securities, e.g. by contractors.</i>				(c) Equipments of hospitals.			
As per last balance sheet	37,851			As per last balance sheet	31,19,015		
Add Deposits received during the year	40,000			Additions during the year	20,00,000	51,19,015	
	77,851						
Less Deposits repaid during the year	40,000	37,851		<i>Purchase of Staff Cars :</i>			
<i>Deposits received from other parties.</i>				As per last balance sheet	55,704		
As per last balance sheet		13,010		Additions during the year	30,000	85,704	
<i>Depreciation Reserve Fund of buildings for the offices of the Corporation.</i>							
As per last balance sheet	1,20,625			<i>Loans granted to the State Govts.</i>			
Add Provision made during the year	14,400			As per last balance sheet	25,00,000		
		1,32,025		Add Payments made during the year . . . . .	..	25,00,000	
(Includes Rs. 1,900/- on account of interest accrued from the investment of the balance).	1,32,025			<i>Permanent Advances to the Heads of Offices of the Corporation.</i>			
				As per last balance sheet	16,431		
<i>Depreciation Reserve Fund account of equipment in Hospitals and Examination Centres.</i>				Add Payments made during the year	10,000	26,431	
As per last balance sheet	13,092			<i>Advance of pay on transfer to the employees of the Corporation.</i>			
Add Provision made during the year	5,000	18,092		As per last balance sheet	4,436		
				Add Payments made during the year	35,000		
<i>Depreciation Reserve Fund account of Hospitals buildings.</i>					39,436		
As per last balance sheet	3,181			Less Recoveries made during the year	35,000	4,436	
Add Provision made during the year	1,000	4,181					

Depreciation Reserve Fund account of Staff Cars.

As per last balance sheet . . .	9,285
Additions during the year . . .	6,200

Repairs and Maintenance Reserve Fund of buildings for the offices of the Corporation

As per last balance sheet . . .	97,564
Add Provision made during the year . . .	51,200

(Includes Rs. 2,700/- on account of interest accrued from investment of the balance).

Less Expenditure on repairs during the year . . .	22,000
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Permanent (Partial & Total) Disablement Benefit Reserve Fund.

As per last balance sheet . . .	1,58,70,982
Add Provision made during the year . . .	56,87,500

(Includes Rs. 5,37,500/- on account of interest accrued from investment of the balance).

Dependants' Benefit Reserve Fund.

As per last balance sheet . . .	47,92,296
Add Provision made during the year . . .	17,75,000

(Includes Rs. 1,65,000/- on account of interest accrued from investment of the balance).

Less Payments made during the year . . .	6,91,000
--	----------

Advance of T.A. on transfer to the employees of the Corporation.

As per last balance sheet . . .	5,330
Add Payments made during the year . . .	40,000

Less Recoveries made during the year . . .	45,330
	40,000

Loans to the employees for the purchase of conveyances.

As per last balance sheet . . .	1,00,194
Add Payments made during the year . . .	1,10,100

Less Loans recovered during the year . . .	2,10,194
	80,000

House building Advances.

Payments made during the year . . .

Miscellaneous Advances to the employees of the Corporation (festival advances)	
As per last balance sheet . . .	17,111
Add Payments made during the year . . .	2,00,000

	2,17,111
--	----------

Less Recoveries made during the year . . .	2,00,000
--	----------

Advance payments on behalf of State Government

As per last balance sheet . . .	3,862
Add Payments made during the year . . .	2,500

Less Adjustments made during the year . . .	6,362
	2,500

Miscellaneous Advances.

As per last balance sheet . . .	1,90,568
Add Payments made during the year . . .	2,00,000

Less Adjustment made during the year . . .	3,90,568
	2,00,000

I	2	3	4	5	6
	Rs.	Rs.		Rs.	Rs.
<i>Income and Expenditure Account</i>			<i>Remittances.</i>		
Excess of Income over Expenditure as per last balance sheet	22,04,27,240		As per last balance sheet	66,500	66,500
Less Excess of expenditure over income during the year 1962-63	(—) 81,23,000		<i>Investments at Cost.</i>		
	<u>21,23,04,240</u>	21,23,04,240	(a) <i>Depreciation Reserve Fund of buildings for the offices for the Corporation.</i>		
			As per last balance sheet	1,13,753	
			Add Investments during the year	11,400	1,25,153
			(b) <i>Depreciation Reserve fund account of equipment in hospital and examination centres</i>		
			As per last balance sheet	8,500	
			Add Payments made during the year	5,000	13,500
			<i>Depreciation Reserve Fund of Staff Cars</i>		
			As per last balance sheet	6,200	
			Add Payments made during the year	6,200	12,400
			<i>Depreciation Reserve Fund of Hospital buildings</i>		
			As per last balance sheet	1,000	
			Add Payments made during the year	1,000	2,000
			(d) <i>Repairs & Maintenance Reserve Fund of buildings for the offices of the Corporation</i>		
			As per last balance sheet	87,888	
			Add Investments during the year	6,400	93,788
			(e) <i>Permanent (Partial & Total) Disablement Benefit Reserve Fund.</i>		
			As per last balance sheet	1,24,88,723	
			Add Investments during the year	33,56,000	1,58,44,723
			(f) <i>Dependents' Benefit Reserve Fund</i>		
			As per last balance sheet	39,17,691	
			Add Investments during the year	8,66,500	47,84,191

Cash Balance.

(a) Investments :

(i) *E.S.I.C. Provident Fund.*

As per last balance sheet 40,38,037

Add Investments during the year 10,72,000

51,10,037

Less Realisation on maturity or sale of investment

(—) 2,700

51,07,337

(ii) *General Cash Balances.*

As per last balance sheet 18,27,73,074

Add Investments during the year 3,41,22,400

21,68,95,474

Less Realisation on maturity or sale of investment

(—) 8,11,70,000

13,57,25,474

(b) Cash Balance

(in hand and with bankers)

50,40,525

TOTAL 24,42,18,103

TOTAL 24,42,18,103

T. P. KHOSLA,
(27-12-61)
Chief Accounts Officer,
Employees' State Insurance Corporation.

APPENDIX I

EMPLOYEES STATE INSURANCE CORPORATION

Number of employees and family units covered and to be covered under the scheme upto
31st March, 1963

Name of place	Insured		Persons		Date of coverage of families
	Date of implementation	Number already covered	Number to be covered		
1	2	3	4	5	
<i>Andhra State Region</i>					
Hyderabad and Secunderabad	1-1-55	18,000	..	26-1-59	
Nellimarla, Chittivalasa, Vijayawada, Eluru, Guntur, Vishakhapatnam & Manglagiri	9-10-55	15,350	..	26-1-59	
Warangal	15-11-59	5,500	..	14-2-60	
Sirpur	27-3-60	11,000	..	26-6-60	
Adoni and Kakinada	14-8-60	6,000	..	13-11-60	
Vizianagram	19-11-61	..	800	1-3-62	
Kurnool, Dolaiswaram, Rajahmundry, and Renigunta	1-12-61	..	4,200	1-3-62	
Guntakal and Mancherial	1-4-62	..	1,800	1-7-62	
Sriramnagar, Tannku Masulipatnam	1-0-162	..	2,300	1-1-63	
<i>Assam Region</i>					
Gauhati, Tinsukia, Makum, Dhubri, and Dibrugarh	28-9-58	4,200	..	28-12-58	
Merlani, Jorhat & Margherita	1-10-62	..	1,900	1-1-63	
Digboi	1-1-63	..	3,000	..	
<i>Bihar Region</i>					
Patna, Monghyr, Katihar & Samastipur	15-12-57	15,100	..	2-10-58	
Dalmianagar, Banjori and Japla	27-3-60	9,850	..	26-6-60	
Dhanbad & Kumardhobi area	28-8-60	16,000	..	27-11-60	
Muzaffarpur, Ranchi, Khalati, Jharla, Badaninagar	1-1-62	..	8,300	1-4-62	
Morho-warrah & Bausjora					
Bhagalpur, Golmuri, Domchanch, Indra Nagar, Ghatsila and Baniadih	1-1-63	..	16,700	..	
<i>Delhi, Region</i>					
Delhi	24-2-52	61,000	..	1-7-59	
<i>Gujarat Region</i>					
Ahmedabad	1-1-63	..	1,65,000	..	

1	2	3	4	5
<i>Kerala State Region</i>				
Alleppey, Quilon, Trichur & Alwaye	16-9-56	29,600	..	1-7-62
Ernakulam, Alagapanagar and Udyogamandal	16-9-56	6,100	..	1-1-63
Trivandrum	31-8-58	3,200	..	25-11-61
Kozhikode and Feroke	12-7-59	14,000	..	1-1-63
Fort Cochin & Mattancherry area	3-1-60	3,200	..	1-1-63
Cannanore, Balipatam & Tellicherry	30-10-60	6,700	..	1-1-63
Punalure and Kottayam	29-7-61	4,400	..	1-1-63
Palghat	25-11-61	..	2,400	1-1-63
Perumubavoor	19-11-61	..	1,200	1-1-63
Kunlara and Koratti-Angadi	1-1-62	..	11,300	1-1-63
Ottavalam, Shoranur & Chathannur	1-4-62	..	1,800	1-1-63
Attingal Kottarakara, Kallettunkara, Karuvannur and Umanallore	1-10-62	..	6,450	1-1-63

<i>Madhya Pradesh Region</i>				
Indore, Gwallior, Ujjain & Ratlam	23-1-55	56,000	..	26-1-59
Burhanpur	2-9-56	3,500	..	15-2-59
Jabalpur	29-9-57	4,500	..	26-1-59
Bhopal and Nagda	27-9-59	7,800	..	27-12-59
Rajnandgaon	25-9-60	3,200	..	25-12-60
Mandsour and Dewas	27-8-61	1,750	..	27-11-61
Banmore	29-10-61	650	..	29-1-62
Satna	1-12-61	..	1,500	1-3-62
Raigarh, Raipur, Kymore & Katni	26-1-62	..	7,000	26-4-62
Korba	26-11-61	..	650	1-1-63
Nepanagar	1-10-62	..	1,500	1-1-63

<i>Madras State</i>				
Coimbatore	23-1-55	49,500	..	1-10-62
Madras City	20-11-55	62,000	..	1-7-62
Madurai	28-10-56	22,000	..	1-1-63
Ambasamudram, V.S. Puram & Tuticorin	28-10-56	10,500	..	1-4-62
Salem, Udumalpet and Tirupur	30-11-58	14,500	..	2-9-61
Mottur	30-11-58	4,000	..	1-4-62
Peelamedu, Perianaickenpalayam	28-2-60	5,500	..	..
Sivakasi and Rajapalayam	28-2-60	8,500	..	15-8-61
Dalmiapuram	27-3-60	2,000	..	15-8-61
Trichu, Ranipet & Cauverynagar	29-1-61	6,350	..	15-8-61
Dindigul	1-10-61	1,800	..	1-1-62
Suburbs of Madras	1-10-61	400	..	..
Koilpatti	1-3-62	..	4,500	1-6-62
Usilampatti, Avadi & Kambakonam	1-1-62	..	4,250	1-4-62
Tirunalveli and Talayuthu	25-11-61	..	3,500	25-1-62
Suburbs of Coimbatore	29-10-61	..	5,000	..
Pudukottai and Nameswamudram	1-1-62	..	1,700	1-4-62
Erode, Pollachi, Vaniyambadi, Gudiyatham and Shencottah	1-10-62	..	5,250	1-1-63

<i>Maharashtra Region</i>				
Greater Bombay	3-10-54	5,50,000	..	1-1-62
Nagpur	11-7-54	22,000	..	22-12-60
Akola	27-5-56	5,300	..	1-5-61
Hinganghat	27-5-56	3,200	..	19-10-61
Sholapur	1-1-63	..	18,000	..

1	2	3	4	5
<i>Mysore Region</i>				
Bangalore	27-7-58	67,000		26-10-58
Hubli	27-3-60	2,000		26-6-60
Dandeli	8-1-61	2,200		9-4-61
Mangalore	26-11-61		6,400	26-2-62
Mysore	1-1-62		4,500	1-4-62
Gulbarga, Devangere, Gokak, Belgaum and Shah- abad	1-10-62		17,600	1-1-63
<i>Orissa Region</i>				
Cuttack, Barang, Chaudwar, Brajrajnagar and Rajgangpur	31-1-60	23,000		1-5-60
Narangarh and Barbil	1-3-62		1,500	1-6-62
Hirakud, Belpahar & Tapang (Puri)	1-1-63		2,500	
<i>Punjab State and Himachal Pradesh Region</i>				
Amritsar, Chhehrata, Batala, Yamunanagar, Jullun- dur, Ludhiana, Ambala, Bhiwani, Verka & Jagadhri	17-5-53	46,000		1-11-58
Khasa	10-5-59	500		9-8-59
Dhariwal	29-11-59	3,000		28-2-60
Hissar	8-1-61	1,500	..	9-4-61
Sonepat	19-2-61	2,500		
Kharar	17-9-61	1,800		17-12-61
Bhiwani Jon-Pal	3-9-61	100		3-12-61
Faridabad	1-1-62		7,000	1-4-62
Phagwara, Kapurthala & Gobindgarh	1-4-62	..	6,500	1-7-62
Abohar, Surajpur, Panipat, Dalmia-Dadri, Goraya and Gurgaon	1-10-62	..	6,000	1-1-63
<i>Rajasthan State Region</i>				
Jaipur, Jodhpur, Bikaner, Palmarwar and Bhilwara	2-12-56	15,800		2-10-58
Lakheri	2-12-56	1,800		1-6-61
Beawar	27-10-57	4,000	..	2-10-58
Swai Madhopur	2-3-58	2,500	..	2-10-58
Sriganganagar & Dholpur	29-3-59	2,600		28-6-59
Udaipur and Bharatpur	14-8-60	1,750	..	13-11-60
Ajmer and Kotah	1-4-62		1,000	1-7-62
<i>Uttar Pradesh Region</i>				
Kanpur including Kalyanpur	24-2-52	80,000		14-11-59
Saharanpur, Agra and Lucknow	15-1-56	24,000		14-11-59
Allahabad, Varanasi and Rampur	31-3-57	17,200		14-11-59
Bareilly, Hathras, Aligarh and Shikohabad	30-3-58	12,500		14-11-59
Ghaziabad, Sahjanwa (Gorakhpur), Modinagar and Mirzapur	29-3-59	12,500	..	14-11-59
Meerut, Firozabad & Moradabad	26-3-61	5,000		25-6-61
Izatnagar, Jhansi & Roorkee	1-12-61		2,300	1-3-62
Hapur, Harangaon, Churk & Gaziipur	1-7-62	..	2,850	1-10-62

1	2	3	4	5
<i>West Bengal Region</i>				
Calcutta City & Howrah Distt.	14-8-55	2,85,000	..	..
Area within the jurisdiction of Shyampur Police Station in Uluberia Sub-division District Howrah.	5-6-60			
Rest of Greater Calcutta (Distt. of Hooghly and 24 Parganas)	1-10-62	..	3,50,000	..
GRAND TOTAL		16,87,600	6,88,150	

APPENDIX
EMPLOYEES' STATE
Details of Income and

	Head- quarters	Andhra	Assam	Bihar	Bombay	Delhi
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
RECEI						
Employers' share . . . . .	..	7,31,243	52,294	96,823	1,19,69,427	8,09,196
Employees' share . . . . .	..	6,98,906	25,227	46,945	1,80,72,881	15,06,653
Miscellaneous	50,57,365	2,393	17	396	46,338	3,844
TOTAL—RECEIPTS	50,57,365	14,32,542	75,538	1,44,144	3,00,88,646	23,19,693
EXPENDITURE						
Medical Benefit . . . . .	..	3,50,832	..	1,71,137	66,78,829	2,65,000
<i>Cash Benefits</i>						
Sickness Benefit . . . . .	..	4,35,310	..	42,877	79,93,220	16,97,034
Extended Sickness Benefit . . . . .	..	7,304	..	421	3,38,986	19,890
Maternity Benefit . . . . .	..	51,819	..	555	4,41,474	6,605
Disablement Benefit . . . . .	..	60,493	676	15,238	20,48,795	2,48,493
Dependants' Benefit . . . . .	..	9,000	..	..	3,74,500	77,000
TOTAL—CASH BENEFITS . . . . .	..	5,63,926	676	59,091	1,11,96,975	10,49,022
Other Benefits . . . . .	..	405	5	27	49,876	11,646
TOTAL—BENEFITS . . . . .	..	9,13,163	681	2,30,255	1,79,25,680	13,25,668
ADMINISTRATION						
Administration Expenses	14,34,909	1,81,015	12,320	42,391	18,53,749	3,19,576
TOTAL—REVENUE EXPENDITURE	14,34,909	10,96,178	13,001	2,72,646	1,97,79,449	16,45,244

II

INSURANCE CORPORATION

Expenditure for the year 1958-59

Kerala	Madhya Pradesh	Madras	Mysore	Orissa	Punjab	Rajasthan	Uttar Pradesh	West Bengal	Total
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
PTS									
6,08,106	9,70,002	22,82,524	10,09,221	15,813	6,38,012	2,85,654	16,39,715	79,18,071	2,90,24,081
6,62,367	16,15,166	37,39,025	8,63,106	..	8,92,117	4,16,329	25,92,731	69,80,497	3,81,11,950
676	2,730	7,299	1,653	..	1,313	653	3,775	16,989	51,45,441
12,71,149	25,87,898	60,28,848	18,73,980	15,813	15,31,442	7,02,636	42,36,221	1,49,15,557	7,22,81,472
BENEFITS									
3,05,000	11,13,000	19,45,719	5,99,828	5,342	3,73,489	3,53,000	8,83,000	38,02,515	1,68,46,691
4,87,052	10,39,455	24,40,800	59	..	1,36,257	1,45,363	12,69,753	32,91,213	1,79,78,393
10,071	24,657	47,880	..	..	2,137	5,993	26,951	180,192	5,64,482
99,442	67,108	2,79,346	..	..	2,208	18,850	4,167	54,473	10,26,047
64,273	12,09,009	2,60,609	34,916	..	73,246	34,765	2,94,712	7,25,744	40,70,969
11,500	65,000	52,500	10,500	..	45,000	10,500	1,24,000	1,52,000	9,31,500
6,72,338	14,05,229	30,81,135	45,475	..	2,58,848	2,15,471	17,19,583	43,03,622	2,45,71,391
1,406	2,582	8,026	59	..	4,589	127	4,244	14,771	97,763
9,78,744	25,20,811	50,34,880	6,45,362	5,342	6,36,926	5,68,598	26,06,827	81,20,908	4,15,15,845
EXPENSES									
1,69,962	2,60,420	6,26,272	1,83,739	1,192	1,92,749	1,34,888	6,24,348	12,37,435	72,74,965
11,48,706	27,81,231	56,61,152	8,29,101	6,534	8,29,675	7,03,486	32,31,175	93,58,343	4,87,90,810

APPENDIX

EMPLOYEES' STATE
Details of Income and Expenditure

	Head quarters	Andhra	Assam	Bihar	Delhi	Gujarat	Kerala
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
RECE							
Employers' Share . . . . .	..	7,08,441	1,40,497	12,59,566	8,88,088	22,06,196	6,63,652
Employees' Share . . . . .	..	7,75,467	97,256	4,08,421	16,34,402	..	9,04,270
Miscellaneous	59,72,871	2,703	91	1,313	4,602	767	1,325
TOTAL—RECEIPTS	59,72,871	14,86,611	2,37,844	16,69,300	25,27,110	22,06,963	15,69,247
EXPENDITURE							
Medical Benefits . . . . .	..	8,43,714	..	3,02,711	11,46,242	..	9,11,463
CASH BENEFITS							
Sickness Benefit . . . . .	..	5,14,847	20,784	1,39,532	8,35,372	..	7,42,538
Extended Sickness Benefit . . . . .	..	7,831	588	4,293	22,758	..	11,466
Maternity Benefit . . . . .	..	82,038	..	1,702	6,292	..	1,27,882
Disablement Benefit . . . . .	..	1,11,123	3,384	12,229	4,74,228	..	80,314
Dependants' Benefit . . . . .	..	3,600	..	..	15,700	..	14,000
TOTAL—CASH BENEFITS . . . . .	..	7,19,439	24,756	1,57,766	13,54,350	..	9,76,200
Other Benefits . . . . .	..	1,940	170	130	10,658	..	5,348
TOTAL BENEFITS . . . . .	..	15,65,093	24,926	4,60,607	25,11,250	..	18,93,011
ADMINISTRATIVE							
Administration Expenses	20,76,463	2,25,469	59,407	1,09,164	3,33,250	65,544	2,76,010
TOTAL—REVENUE EXPENDITURE	20,76,463	17,90,562	84,333	5,69,771	28,44,500	1,65,544	21,69,021

III

INSURANCE CORPORATION

for the year 1959-60

Madhya Pradesh	Madras	Maharashtra	Mysore	Orissa	Punjab	Rajasthan	Uttar Pradesh	West Bengal	Total
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
INVESTMENTS									
9,51,890	26,28,237	1,09,98,965	13,04,863	92,674	6,96,439	2,38,180	16,81,810	73,94,233	3,18,53,731
17,94,291	39,78,209	1,81,95,900	16,35,484	13,311	9,07,250	4,38,525	32,30,445	67,96,021	4,08,09,252
4,130	9,450	45,973	1,588	1,204	1,290	1,217	5,558	20,081	60,74,181
2,50,311	65,15,805	2,92,40,838	29,41,935	1,07,189	16,04,979	6,77,922	49,17,813	1,42,10,335	7,87,37,164
BENEFITS									
27,38,439	21,09,755	60,81,053	10,90,000	1,04,816	5,29,968	6,41,000	19,44,853	34,84,000	2,19,28,014
11,47,615	29,15,059	91,34,931	7,43,640	..	1,76,569	1,91,199	13,84,902	36,46,949	2,15,93,937
28,646	62,627	3,43,639	9,951	..	4,040	16,299	38,858	1,79,320	6,20,316
75,283	3,76,023	5,50,860	52,815	..	3,036	21,777	3,049	58,733	13,59,490
3,10,212	4,05,826	29,64,653	1,07,401	243	1,65,743	60,163	3,12,018	9,07,376	59,14,929
12,623	1,04,997	6,96,100	..	..	40,700	7,903	67,181	47,737	10,10,541
13,71,379	33,61,531	1,35,90,183	9,13,807	243	3,90,088	2,37,341	13,05,003	47,40,115	3,04,99,207
2,590	11,773	65,648	3,884	..	1,704	940	6,954	22,342	1
41,15,403	32,55,050	1,93,35,834	20,07,601	1,05,039	9,21,760	9,29,281	37,57,815	82,46,457	5,25,61,302
EXPENSES									
3,37,863	8,05,597	19,53,090	2,51,300	45,051	2,09,874	1,54,964	7,42,317	14,30,649	90,85,021
45,53,271	67,91,557	2,17,49,947	22,59,000	1,50,110	11,31,634	10,84,245	45,00,132	96,86,106	6,16,46,323

APPENDIX
EMPLOYEES' STATE
Details of Income and Expenditure

	Head- quarters	Andhra	Assam	Bihar	Delhi	Gujarat	Kerala	Madhya Pradesh
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
RECH								
Employers' Share	..	8,72,301	1,67,214	16,20,161	19,76,372	33,72,417	8,08,611	12,84,779
Employees' Share	..	13,15,766	1,05,160	8,34,060	18,88,226	..	12,50,654	23,82,138
Miscellaneous	67,35,972	8,248	255	1,053	5,733	596	3,917	7,984
TOTAL	67,35,972	21,96,315	2,72,629	24,55,274	28,70,331	33,73,013	20,63,182	36,74,901
EXPENDITURE								
Medical Benefit	..	13,16,938	3,00,000	12,45,000	15,14,883	..	5,88,531	21,32,564
CASH BENEFITS								
Sickness Benefit	..	6,20,651	58,309	1,52,613	9,45,204	..	10,06,175	13,16,641
Extended Sickness Benefit	..	8,834	2,034	6,687	33,364	..	18,949	39,802
Maternity Benefit	..	75,743	147	1,241	9,705	..	2,07,480	81,059
Disablement Benefit	..	1,21,776	23,448	36,477	3,92,243	..	98,594	2,99,215
Dependants' Benefit	..	16,900	13,100	10,400	35,900	..	9,200	70,300
TOTAL—CASH BENEFITS	..	8,43,904	97,038	2,07,418	14,16,416	..	13,40,398	18,07,017
Other Benefits	5,000	3,313	692	375	10,226	..	5,297	5,522
TOTAL BENEFITS	5,000	21,64,155	3,97,730	14,52,793	29,41,525	..	19,34,226	39,45,103
ADMINISTRATION								
Administration Expenses	21,47,555	2,88,668	61,190	2,17,926	3,50,748	80,112	3,48,318	3,78,716
TOTAL—REVENUE EX- PENDITURE	21,52,555	24,52,823	4,58,920	16,70,719	32,92,273	80,112	22,82,544	43,23,820

IV

INSURANCE CORPORATION

Turns for year 1960-61

Madras	Maharashtra	Mysore	Orissa	Panjab	Rajasthan	Uttar Pradesh	West Bengal	Total
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
IPTS								
31,56,277	1,14,04,838	17,78,478	2,84,846	8,24,177	2,92,139	21,98,620	83,20,879	3,73,62,109
54,79,262	2,11,29,323	20,07,394	3,80,440	11,72,756	5,66,843	38,33,198	77,61,803	5,01,07,123
7,154	51,447	4,857	450	2,354	1,417	18,260	20,458	68,70,155
86,42,693	3,25,85,608	37,90,729	6,65,736	19,99,287	8,60,399	60,50,078	1,61,03,240	9,43,39,387
BENEFITS								
20,03,024	64,89,403	12,72,294	1,49,000	8,40,161	5,84,000	22,40,622	41,90,865	2,48,67,285
34,03,238	1,01,11,262	9,37,149	58,818	2,13,300	1,93,255	17,57,153	41,02,522	2,48,76,290
70,030	4,17,967	17,169	426	9,404	12,211	57,294	1,08,775	8,02,946
4,39,462	5,44,314	61,330	1,773	3,096	25,088	5,652	59,612	15,15,702
4,42,144	29,16,083	1,40,324	60,743	2,03,995	69,306	3,78,695	11,58,322	63,41,365
65,700	5,02,200	33,900	6,300	19,000	14,700	1,30,000	2,45,850	11,73,450
44,20,574	1,44,91,826	11,89,872	1,28,060	4,48,795	3,14,560	23,28,794	56,75,081	3,47,09,753
15,498	69,776	4,996	456	4,611	740	7,975	28,367	1,62,844
64,39,096	2,10,51,005	24,67,162	2,77,516	12,93,567	8,99,300	45,77,391	98,94,313	5,97,39,882
EXPENSES								
7,84,662	20,47,565	2,91,809	1,20,438	2,23,496	1,74,138	7,18,874	18,09,127	1,00,43,343
72,23,758	2,30,98,570	27,58,971	3,97,954	15,17,063	10,73,438	52,96,265	1,17,03,440	6,97,83,225

APPENDIX

EMPLOYEE'S STATE

Revised Estimates (Budget) Income &

Head of account	Head-quarters	Andhra	Assam	Bihar	Delhi	Gujarat	Kerala	Madhya Pradesh
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
RECEI								
Employers' Share . . .	..	9,29,000	1,83,500	20,58,000	10,42,000	34,70,000	8,40,000	13,88,000
Employees' Share . . .	..	14,80,000	1,01,000	13,00,000	20,00,000	..	14,70,000	24,25,000
Miscellaneous . . .	77,20,500	4,350	100	4,500	6,500	1,350	4,000	5,500
TOTAL . . .	77,20,500	24,13,350	2,84,600	33,62,500	30,48,500	34,71,350	23,14,000	38,18,500
EXPENDITURE								
Medical Benefit . . .	..	16,76,000	1,32,000	16,67,000	15,22,000	..	8,60,000	29,78,000
CASH BENEFITS								
Sickness Benefit . . .	..	8,38,000	75,000	4,25,000	11,00,000	..	11,40,000	16,75,000
Extended Sickness Benefit . . .	..	18,000	3,000	13,000	45,000	..	30,000	57,000
Maternity Benefit . . .	..	82,000	1,000	16,000	10,000	..	2,73,000	80,000
Disablement Benefit . . .	..	1,31,200	21,000	76,500	4,26,000	..	1,24,000	3,85,000
Dependants' Benefit . . .	..	24,000	10,000	33,000	39,000	..	9,000	75,000
TOTAL—CASH BENEFITS . . .	..	10,93,200	1,10,000	5,63,500	16,20,000	..	15,76,000	22,72,000
Other Benefits . . .	15,000	3,700	900	1,300	10,400	..	7,300	6,000
TOTAL—BENEFITS . . .	15,000	27,72,900	2,42,900	22,31,800	31,52,500	..	24,43,300	32,56,000
ADMINISTRATION								
Administration Expenses . . .	21,28,600	4,34,700	1,01,500	3,63,700	4,50,300	3,02,100	4,90,000	4,83,900
TOTAL—REVENUE EXPENDITURE . . .	21,43,600	32,07,600	3,44,400	25,95,500	36,02,800	3,02,100	29,33,300	57,39,900

V

INSURANCE CORPORATION

Expenditure for 1961-62.

Madras	Maharashtra	Mysore	Orissa	Punjab	Rajasthan	Uttar Pradesh	West Bengal	Total
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
PTS								
35,40,000	1,22,00,000	16,67,800	3,55,700	9,37,000	3,70,000	24,27,000	83,00,000	3,97,08,000
62,50,000	2,21,35,000	25,00,000	5,20,000	13,30,000	6,76,000	38,15,000	78,55,000	5,38,57,000
7,200	61,700	9,000	500	2,900	2,200	5,700	23,000	78,59,000
97,97,200	1,43,96,700	41,76,800	8,76,200	22,59,900	10,48,200	62,47,700	1,61,78,000	10,14,24,000
BENEFITS								
34,00,000	1,72,55,000	16,16,000	5,00,000	13,60,000	7,55,000	33,24,000	42,75,000	3,13,20,000
46,35,000	1,16,00,000	11,00,000	1,74,000	2,79,000	2,55,000	23,80,000	43,37,000	3,00,13,000
1,25,000	5,15,000	21,000	4,000	12,000	14,000	81,000	1,47,000	10,85,000
6,00,000	5,60,000	74,000	7,000	5,000	25,000	6,000	65,000	18,04,000
5,44,000	30,87,000	1,74,000	72,000	2,98,000	75,000	4,10,000	12,76,000	71,00,000
65,000	5,59,000	27,000	18,000	37,000	11,000	1,16,000	2,47,000	12,70,000
59,69,000	1,63,21,300	13,96,000	1,75,000	6,31,000	3,80,000	29,93,000	60,72,000	4,12,72,000
17,000	1,22,100	5,000	2,900	4,500	1,500	6,300	34,100	2,38,000
1,93,86,000	2,36,98,300	30,17,000	7,77,900	19,95,500	11,36,500	63,23,400	1,23,81,000	7,28,30,000
EXPENSES								
11,28,700	23,74,300	4,47,000	1,53,800	3,27,500	2,14,700	10,63,700	19,31,500	1,23,96,000
1,05,14,700	2,60,72,600	34,64,000	9,31,700	23,23,000	13,51,200	73,87,100	1,23,12,500	8,52,26,000

VI

INSURANCE CORPORATION

Expenditure) for 1962-63.

Madras	Maharash- tra	Mysore	Orissa	Punjab	Rajasthan	Uttar Pradesh	West Bengal	Total
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
PTS								
₹38,00,000	1,22,00,000	₹17,48,500	3,62,500	9,90,000	3,80,000	24,45,000	85,00,000	4,05,49,000
₹66,50,000	2,22,70,000	28,00,000	5,60,000	16,00,000	6,99,000	₹39,00,000	1,02,00,000	5,92,99,000
7,100	₹63,100	₹9,700	700	3,200	2,500	5,800	29,000	76,70,000
1,04,57,100	3,45,33,100	45,58,200	₹9,23,200	25,93,200	10,81,500	63,50,800	1,87,29,000	10,75,24,000
BENEFITS								
48,00,000	2,23,00,000	22,00,000	5,25,000	₹18,00,000	₹7,75,000	33,00,000	50,00,000	5,50,00,000
48,00,000	1,24,00,000	₹11,50,000	₹1,77,000	₹3,18,000	₹2,65,000	₹24,10,000	43,37,000	9,16,24,000
1,40,000	5,25,000	23,000	₹5,000	13,000	16,000	82,000	1,50,000	11,42,000
6,50,000	5,70,000	82,000	9,000	7,000	28,000	7,000	70,000	15,63,000
6,00,000	34,11,700	2,15,000	76,000	3,32,000	84,000	4,42,000	17,80,000	85,11,000
78,000	5,80,000	50,000	8,000	30,000	17,000	12,40,000	4,40,000	16,10,000
52,68,000	1,74,86,700	15,20,000	2,75,000	7,00,000	4,10,000	30,81,000	67,77,000	4,48,50,000
121,000	1,37,000	6,000	4,000	5,700	2,000	7,500	42,000	2,21,000
1,10,89,000	3,99,23,700	37,26,000	8,04,000	25,05,700	11,87,000	63,86,500	1,18,19,000	10,01,31,000
EXPENSES								
₹11,61,500	25,78,500	6,06,400	₹1,84,000	3,78,500	2,28,000	10,41,600	29,14,700	1,55,16,000
1,22,50,500	4,25,02,200	₹43,32,400	9,88,000	28,84,200	14,15,000	74,30,100	1,47,33,700	11,56,47,000

APPENDIX

EMPLOYEES' STATE

Budget estimates (Income and

Head of Account	Head- quarters	Andhra	Assam	Bihar	Delhi	Gujarat	Kerala	Madhya Pradesh
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
RECEI								
Employers' Share	..	9,50,000	1,86,000	21,07,000	10,60,000	34,70,000	9,25,000	14,25,000
Employees' Share	..	16,25,000	1,35,000	15,50,000	20,50,000	10,00,000	17,85,000	24,75,000
Miscellaneous	75,29,500	5,000	200	1,600	6,500	1,500	4,300	6,300
TOTAL	75,29,500	25,80,000	3,21,200	36,58,600	31,16,500	44,71,500	27,14,300	39,06,300
EXPENDITURE								
Medical Benefit	78,000	21,00,000	2,22,000	21,00,000	18,00,000	20,00,000	26,00,000	34,00,000
Cash Benefits								
Sickness Benefit	..	8,90,000	75,000	4,60,000	11,50,000	..	13,50,000	18,42,000
Extended Sickness Benefit	..	19,000	4,000	15,000	50,000	..	40,000	60,000
Maternity Benefit	..	87,500	500	23,000	10,000	..	3,34,000	85,000
Disablement Benefit	..	1,45,000	37,000	75,400	4,50,000	2,79,900	1,63,000	4,20,000
Dependants' Benefit	..	22,000	20,000	24,000	40,000	55,000	16,000	90,000
TOTAL—CASH BENEFITS	..	11,63,500	1,36,500	5,97,400	17,00,000	3,34,900	19,03,000	24,97,000
Other Benefits	20,000	3,900	1,000	1,700	10,700	1,000	10,000	7,500
TOTAL—BENEFITS	98,000	32,67,400	3,59,500	26,99,100	35,10,700	23,35,900	45,13,000	59,04,500
ADMINISTRATION								
Administration Expenses	27,44,500	5,06,000	1,27,000	5,04,600	4,46,800	10,37,300	5,11,400	5,45,200
TOTAL—REVENUE Ex- PENDITURE	28,42,500	37,73,400	4,86,500	32,03,700	39,57,500	33,73,200	50,24,400	64,49,700

STATEMENT 'B'
EMPLOYEES' STATE INSURANCE CORPORATION

List of new places where the Scheme was anticipated to be extended in 1961-62

Sl. No.	State	Centres	No. of Employees	For Insured Persons only		For families of Insured Persons	
				Date of implementation originally anticipated	Actual or Anticipated date of implementation	Date of implementation originally anticipated	Actual or anticipated date of implementation
1	2	3	4	5	6	7	8
			(Revised)				
1	Andhra	Kurnool and Rajmundhry	2,400	1-4-1961	1-12-1961	1-7-1961	1-3-1962
		Guntakal	800	1-4-1961	1-4-1962	1-7-1961	1-7-1962
		Masulipatnam	800	1-4-1961	1-10-1962	1-7-1961	1-1-1963
		Mancherla	1,000	1-10-1961	1-4-1962	1-1-1962	1-7-1962
		Dolaiswaram & Renigunta	1,800	1-10-1961	1-12-1961	1-1-1962	1-3-1962
2	Bihar	Muzaffarpur, Ranchi, Khalari, Jharia and Bansiara	5,800	1-4-1961	1-1-1962	1-7-1961	1-4-1962
		Ghatsila, Golmuri, Bhagalpur and Baniadih	13,300	1-4-1961	1-1-1963	1-7-1961	1-4-1963
		Domchaunch & Indranagar	3,400	1-1-1962	1-1-1963	1-4-1962	1-4-1963
		Jhink-Phani and Kandra	2,200	1-1-1962	Not anticipated	1-4-1962	Not anticipated
3	Gujarat	Jamnagar, Bhavnagar, Rajkot, Morvi, Porbander, Wankaner and Surendra Nagar	18,800	1-7-1961	Not anticipated	1-10-1962	Not anticipated
		Ahmedabad	1,65,000	26-1-1962	1-1-1963	26-4-1962	1-4-1963
4	Kerala	Punalur	2,000	26-2-1961	29-7-1961	1-7-1961	1-1-1963
		Kottayam	2,400	1-4-1961	29-7-1961	1-7-1961	1-1-1963
		Kundara	10,000	26-2-1961	1-1-1962	1-7-1961	1-4-1963
		Perambavoor	1,200	1-4-1961	19-11-1961	1-7-1961	1-4-1963
		Koratti-Angadi	1,300	1-4-1961	1-1-1962	1-7-1961	1-4-1963
		Palghat	2,400	1-4-1961	25-11-1961	1-7-1961	1-4-1963
		Shoranur	800	1-4-1961	1-4-1962	1-7-1961	1-4-1963

5	Madhya Pradesh	Satna	1,500	1-4-1961	1-12-1961	1-7-1961	1-3-1962
		Dewas	950	1-4-1961	27-8-1961	1-7-1961	27-11-1961
		Mandsour	800	1-1-1962	27-8-1961	1-4-1962	27-11-1961
		Raigarh and Raipur	1,900	1-1-1962	26-1-1962	1-4-1962	26-4-1962
		Kymore and Katni	5,100	1-7-1961	26-1-1962	1-10-1961	26-4-1962
		Nepanagar	1,500	1-7-1961	1-10-1962	1-10-1961	1-1-1963
6	Madras	Banmore	650	1-1-1962	29-10-1961	1-4-1962	29-1-1962
		Erode, Pollachi, Vaniyambodi, Gudiyatham & Shencottah	5,250	1-10-1961	1-10-1962	1-1-1962	1-1-1963
		Talaiythu	3,500	1-10-1961	25-11-1961	1-1-1962	25-2-1962
		Pudukottai	1,700	1-10-1961	1-1-1962	1-1-1962	1-4-1962
		Savaranapatti and Madukari	4,100	1-10-1961	Not anticipated	1-1-1962	Not anticipated
7	Maharashtra	Greater Bombay	5,50,000	..	..	1-10-1961	1-1-1962
		Hinghahat	3,200	..	..	31-3-1961	19-10-1961
		Akola	5,300	..	..	31-3-1961	1-5-1961
		Sholapur	18,000	1-4-1961	1-1-1963	1-7-1961	1-4-1963
		Poona and Latur	18,500	1-10-1961	1-4-1963	1-1-1962	1-7-1963
		Barsi and Satara	5,400	1-10-1961	Not anticipated	1-1-1962	Not anticipated
8	Mysore	Mysore	4,500	4-3-1961	1-1-1962	4-6-1961	1-4-1962
		Mangalore	6,400	1-7-1961	26-11-1961	1-10-1961	26-2-1962
		Bhadravati	7,500	1-1-1962	1-4-1963	1-4-1962	1-7-1963
		Gulbarga, Devangere, Gokak and Shahabad.	16,600	1-7-1961	1-10-1962	1-10-1961	1-1-1963
9	Orissa	Sambalpur	1,500	1-7-1961	Not anticipated	1-10-1961	Not anticipated
10	Punjab	Sonepat	2,500	1-4-1961	19-2-1961	1-7-1961	Not anticipated.
		Faridabad	7,000	1-4-1961	1-1-1962	1-7-1961	1-4-1962
		Kharar	1,000	1-5-1961	17-9-1961	1-8-1961	17-12-1961
		Phagwara, Kapurthala & Gombindgarh	6,500	1-7-1961	1-4-1962	1-10-1961	1-7-1962
		Surajpur	1,300	1-7-1961	1-10-1962	1-10-1961	1-1-1963
11	Uttar Pradesh	Izatnagar and Jhansi	1,500	1-1-1962	1-12-1961	1-4-1962	1-3-1962
		Mathura	1,200	1-1-1962	Not anticipated	1-4-1962	Not anticipated
12	West Bengal	24 Parganas & Hooghly Distt.	3,50,000	1-4-1961	1-10-1962	Not anticipated	Not anticipated

STATEMENT "C"

BUDGET ESTIMATES FOR THE YEAR 1962-63

Details of the amount provided under the Head—"Allowances & Honoraria".

	Travelling Allowance			Dearness Allowance	Dearness Pay	House Rent Allowance	City Compensatory Allowance	Non-Practising Allowance	Reimbursement of Medical Charges	Other items	Total
	For tour including travel concession	For Transfer	Conveyance Allowance								
I	2	3	4	5	6	7	8	9	10	11	12
	Rs.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
A—SUPERINTENDENCE											
Principal Officers .	20,500	..	..	..	..	10,900	4,500	..	600	..	36,500
Other Officers .	80,900	19,500	23,900	16,600	12,500	46,800	38,900	48,000	18,600	15,900	3,21,600
Ministerial Establishments .	57,000	19,400	..	2,29,600	800	3,24,400	1,75,900	..	49,100	10,300	8,66,500
Class IV Servants .	8,100	4,100	..	62,500	300	72,900	34,100	..	15,200	6,400	2,03,600
B—FIELD WORK											
Other Officers .	8,100	5,600	..	..	..	5,700	9,000	..	6,000	8,000	42,400
Ministerial Establishments .	72,300	35,400	27,900	2,46,500	3,000	2,30,100	123,000	..	31,500	7,300	7,77,000
Class IV Servants .	5,700	4,900	..	77,700	4,700	49,300	24,700	..	5,000	4,600	1,76,600
TOTAL .	2,52,600	88,900	51,800	6,32,900	21,300	7,40,100	4,10,100	48,000	1,26,000	52,500	24,24,200

[No. F. 4(1)/62-HI.]

BALWANT SINGH, Under Secy.

New Delhi, the 25th April 1962

S.O. 1347.—In pursuance of clause (c) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952 the Central Government hereby nominates, in consultation with the Bengal Chamber of Commerce and Industry, and organisation of employers in the State of West Bengal which has been recognised for the purpose by the Central Government, Shri A. R. Foster as a member of the Regional Committee for the State of West Bengal in the vacancy caused by the resignation of Shri H. Mackay Tallack, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour, No. S.R.O. 1278 dated the 27th June, 1953, namely:—

In the said notification, for entry (5), the following entry shall be substituted, namely:—

"(5) Shri A. R. Foster, C/o Imperial Chemical Industries (India) Private Ltd., 34, Chowringhee Road, Calcutta-16".

[No. 10/9/61-PF.II.]

New Delhi, the 28th April 1962

S.O. 1348/PW/Mines/Rules/Am.—In exercise of the powers conferred by sub-sections (2), (3) and (4) of section 26, read with section 24 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby makes the following rules further to amend the Payment of Wages (Mines) Rules, 1956, the same having been previously published as required by sub-section (5) of the said section 26, namely:—

1. These rules may be called the Payment of Wages (Mines) Amendment Rules, 1962.

2. In the Payment of Wages (Mines) Rules, 1956, for Form V, the following Form shall be substituted, namely:—

"FORM V

(See Rule 18)

ANNUAL RETURN

Return for the year ending 31st December.

1. (a) Name of the mine, location and postal address:—

** (b) Name and address of the Manager/Contractor

** (c) Name of the Company/Firm owning the establishment and full address of its registered Office.

** (d) Name and residential address of the Managing Agent/Director/Partner in charge of the day to day affairs of the establishment

** (e) Name and address of the person, if any, other than the Manager/Contractor, who is responsible for payment of wages in terms of the proviso to Section 3 of the Payment of Wages Act, 1936

2. Number of days worked during the year.

* 3. (a) Number of man-days worked during the year:

Persons receiving less than Rs. 200/- per month	Persons receiving Rs. 200/- and more but less than Rs. 400/- per month.
---	---

Adults.
Children.

† (b) Average daily No. of persons employed during the year.

Persons receiving less than Rs. 200/- per month.	Persons receiving Rs. 200/- and more but less than Rs. 400/- per month.
--	---

Adults.
Children.

(c) Gross amount paid as remuneration to persons getting less than Rs. 200 per month including deductions under section 7(2) is.....
of which the amount due to profit sharing bonus is.....and that due to money value† of concession is.....

(d) Gross amount paid as remuneration to persons, getting Rs. 200 and more but less than Rs. 400 per month including deductions under section 7(2) is.....
of which the amount due to profit sharing bonus is.....and that due to money value of concessions is.....

4. Total wages paid including deductions under section 7(2) on the following accounts:

	Persons receiving less than Rs. 200/- per month.	Persons receiving Rs. 200/- and more but less than Rs. 400/- per month.
(a) Basic Wages including overtime wages and non-profit sharing bonus		
(b) Dearness and other Allowances in cash		
(c) Arrears of pay in respect of previous year paid during the year		

5. Number of cases and amount realised as :

	Persons receiving less than Rs. 200/- per month.		Persons receiving Rs. 200/- and more but less than Rs. 400/- per month.	
	No. of cases	Amount	No. of cases	Amount
(a) Fines				
(b) Deductions for damage or loss				
(c) Deductions for breach of contract				

6. Disbursement from the fine fund.

	Purpose	Amount
(a)		
(b)		
(c)		
(d)		

7. Balance of fines fund in hand at the end of the year

Signature

Designation

*This is the aggregate number of attendances during the year.

†The average daily number of persons employed during the year is obtained by dividing the aggregate number of attendances during the year by the number of working days.

‡Money value of concessions should be obtained by taking the difference of the cost price paid by the employer and the actual price paid by the employees for supplies of essential commodities given free or at concessional rates.

**Strike off whichever is not applicable.

[No. Fac. 49(34) (ii) /59.]

S.O. 1349.—In pursuance of clause (a) and (b) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby nominates Shri K. L. Pasricha as Chairman of the Regional Committee for the State of Madhya Pradesh in the vacancy caused by the resignation of

Shri N. Sundaram, and Shri G. Narayan Swami as a member of the said Committee, on the recommendation of the Government of the State of Madhya Pradesh, in the vacancy caused by the resignation of Shri G. K. Moghe, and makes the following further amendments in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2427, dated the 8th November, 1958, namely:—

In the said notification, for entries (1) and (3), the following entries shall respectively be substituted, namely:—

- “(1) Shri K. L. Pasricha, Secretary to the Government of Madhya Pradesh, Labour Department, Bhopal.
- (2) Shri G. Narayan Swami, Director of Industries, Madhya Pradesh, Indore.”

[No. 10/761-PF.II.]

S.O. 1350.—In exercise of the powers conferred by section 7 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948), the Central Government hereby makes the following Scheme further to amend the Coal Mines Bonus Scheme, published with the notification of the Government of India in the late Ministry of Labour No. PF. 16(1)/48, dated the 3rd July, 1948, namely:—

1. This Scheme may be called the Coal Mines Bonus (Amendment) Scheme, 1962.

2. In the Coal Mines Bonus Scheme (hereinafter referred to as the said Scheme), in paragraph 2, after clause (dd), the following clauses shall be inserted, namely:—

“(ddd) ‘Form’ means a form appended to this Scheme.”

“(ddd) ‘Illegal lockout’ means a lock-out which is illegal within the meaning of section 24 of the Industrial Disputes Act, 1947 (14 of 1947).”

3. In the said Scheme, in sub-paragraph (1) of paragraph 6, for the words, brackets and figures, “leave (including sick leave) granted by the employer to an aggregate of 21 days in calendar year”, the words, brackets and figures “leave (including sick leave) granted by the employer to an aggregate of 21 days in a calendar year or, where an employee has availed himself of earned leave (including accumulations), the actual number of days of such leave plus five days in a calendar year, whichever is higher” shall be substituted.

4. In the said Scheme, in paragraph 8,—(a) for sub-paragraph (1), the following sub-paragraph shall be substituted, namely:—

“(1) If a strike or a lockout takes place in a coal mine, the employer or any employee shall, in case he considers the strike or the lockout to be illegal, within 30 days from the commencement of the strike or the lockout, make an application to the Regional Labour Commissioner (Central) having jurisdiction in the area in which the coal mine is situated or to any other officer specified by the Central Government in this behalf, for decision whether the strike or the lockout, is legal or illegal.”

(b) for sub-paragraph (4A), the following sub-paragraph shall be substituted, namely:—

“(4A). The Tribunal may, pending disposal of the appeal direct that the operation of the decision of the Regional Labour Commissioner or of the officer specified by the Central Government in this behalf as the case may be, shall be stayed”.

5. In the said Scheme, in paragraph 11, after sub-paragraph (3A), the following sub-paragraph shall be inserted, namely:—

“(3B) An employer shall from the 1st of July, 1962, issue a bonus card in Form XI for every quarter to each employee containing the name of the colliery, the name, designation, ticket number and Provident Fund Account number of the employee on the obverse of the bonus card. The bonus card shall bear the signature or thumb impression of the employee which shall be taken at the time the card is first issued to him. Every employee shall present the bonus card to the employer at the time of payment of wages for each wage period and

the employer shall arrange to give him a proper receipt therefor. Particulars attendance put in by the employee, allowance for leave, due to him under paragraph 6 and his basic earnings for the wage period shall be posted by a clerk of the employer on the reverse of the bonus card and the card shall be returned to the employee within 5 days of the payment of wages. Every employee shall again present the bonus card to the employer within 7 days after the end of the quarter to which the card relates and the employer shall arrange to give him a proper receipt therefor. The particulars of total attendance put in by each employee, the total allowance for leave, due to him under paragraph 6 his total basic earnings and the amount of bonus payable to him under this Scheme shall be posted by a clerk of the employer on the obverse of the bonus card and the card shall be handed over to the employee not less than 48 hours before the payment of bonus for the quarter to which the particulars relate.

Provided that where the Chief Labour Commissioner (Central) is of the opinion that the bonus card maintained by an employer immediately before the aforesaid date will serve the purpose, he may permit such employer to continue to maintain such card in lieu of the card to be maintained under this sub-paragraph."

6. In the said Scheme, after Form X, the following Form shall be inserted, namely:—

OBVERSE

FORM XI—BONUS CARD

[See Paragraph II (3B)]

Name of the Colliery

For the quarter ending

Name of Worker

Ticket No.....

Designation/Category of employee.....

Provident Fund Account No.....

Signature/Thumb

impression of the employee.....

Total attendances for the quarter.....

Total allowance for the leave etc.....

Total basic earnings.....

Amount of Bonus payable.....

Signature of the Colliery Official.....

REVERSE

[illegible]

[No. 12(93)/60.PF.I.]

P. D. GAIHA, Under Secy.

New Delhi, the 26th April, 1962

S.O. 1351.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras in the industrial dispute between the employers in relation to Messrs Krishna and Company, Madras and their workmen.

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS.

Friday the thirteenth day of April,

One thousand nine hundred and sixty two.

(23rd day of Chaitra, 1884, Saka).

PRESENT

Sri K. Ramaswami Goundar, B.A.,M.L.,

INDUSTRIAL DISPUTE No. 10 OF 1962.

(In the matter of the Dispute between the workmen and the management of Messrs. Krishna & Co., Stevedores and Ship Chandlers, Madras).

BETWEEN:

The General Secretary, Madras Port and Dock Workers' Union, 5, Pidariar
Koil Street, Madras-1.

AND

**The Manager,
Krishna and Company,
Stevedores and Ship Chandlers,
14, Jaffar Syrang Street, Madras-1.**

REFERENCE:

Order No. 28(15)/62-LRIV, of the Ministry of Labour and Employment, Government of India, New Delhi, dated 15th March, 1962.

ISSUES:

1. How far the demand of workmen for confirmation is justified;
2. How far the demand for payment of an allowance to workmen detailed for outdoor duty is justified;
3. What relief, if any, are the workmen entitled to.

This dispute coming on for hearing on Thursday the 12th day of April, 1962, and this day, upon perusing the reference, claim and counter statements and all other papers connected therewith, and upon hearing the arguments of Sri A. V. Kumar, General Secretary and Sri R. Rangaswamy, Vice President of the Union and of Sri M. R. Narayanaswamy and Sri P. Veeraraghavan, Advocates for the management and both the parties having reached a settlement and filed into court a memorandum thereof, the Tribunal pass the following:

AWARD

This reference raises for adjudication the demand for confirmation of over 100, workers employed in the harbour by the management of Messrs. Krishna and Company, Madras, who are stevedores for some shipping companies. The workers fall under certain categories as stated in the Schedule to the Claim-Statement. It is unnecessary to set out the respective contentions of the parties, because after an elaborate discussion, both parties have reached a settlement, the terms of which are as follows:

- (1) The Management of Krishna & Co., Stevedores, agree to treat the twentyone persons, whose names are given in the Schedule, annexed to this Memorandum as their confirmed employees, with effect from 1st of April, 1962.
- (2) As regards the emoluments payable to those twentyone persons, the present mode and system would continue, namely, sweepers would be paid at the rate of Rs. 2 (Rupees two only) per shift and the other categories of workmen at the rate of Rs. 3-6-0, (Rupees three and annas six only) per shift. Beyond the above payment, which is of a consolidated nature, they would not be entitled to any other emoluments. Further, they would be paid at the above rate, only for the actual number of days or shifts worked by them. They would not be entitled to any wages or any payment for the days on which they do not work or on which their services are not required. For those days, they are not entitled to any lay off compensation, etc.
- (3) For a period of two years from 1st of April, 1962, it is hereby agreed that neither the twentyone persons mentioned in the Schedule nor any Trade Union on their behalf, would put forward any demand for any wage increase or payment of compensation of any kind for days on which they could not be given work or fixation of any wage scale.
- (4) Barring the twentyone persons mentioned in the Schedule, with reference to the other persons whose names are given in the annexure to the claim statement filed by the Union in this reference, it is hereby agreed that in all aspects the present system would continue and it is further agreed that neither those persons nor the union would make any demand on the management either for a wage increase or for confirmation or permanency.
- (5) It is further agreed between the parties that, after providing work for the twentyone persons mentioned in the schedule, there is need to employ additional workmen of the categories involved in this reference as per the requirements of the officers of the Ships attended to by Messrs. Krishna and Co., Stevedores, the latter would take the same only from among the other workmen mentioned in the annexure to the claim statement.
- (6) The above arrangement agreed to between the parties would be in force for a period of two years from the 1st of April, 1962, at the end of which, the position would be reviewed and appropriate decisions would be taken.

- (7) No person whether included in the list of confirmed employees or not would have a right in normal circumstances to demand work for more than one shift per day.
- (8) Regarding issue (2) (out-door duty allowance) parties agree to discuss the same out of court and reach a settlement.

SCHEDULE

No.	Name	Category
1	Madhava Rao	Watchman
2	Vedachalam	Do.
3	Palavam	Do.
4	M. Ramakrishnan	Clerk
5	C. M. Shanmugham	Do.
6	M. Rajarathinam	Do.
7	V. Govindaswamy	Do.
8	Rathinam	Carpenter
9	Doss	Do.
10	Manickam	Do.
11	Sheshayya	Marker
12	John	Do.
13	Gopal	Do.
14	Rangaswamy	Do.
15	Subramani	Stitcher
16	Vedachalam	Do.
17	Kanniah Naidu	Do.
18	Ellammal	Sweeper
19	Chellam	Do.
20	Muniammal	Do.
21	O. Muniammal	Do.

There will be an award in terms of the above settlement.

(Sd.) K. Ramaswami Gounder,
Industrial Tribunal.

(True Copy)

Illigible

Head Ministerial Officer.

[No. F. 28/15/62/LR. IV.]

New Delhi, the 28th April 1962

S.O. 1352.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Labour Court, Guntur, in the matter of an application under section 33A of the said Act from a workman of the Associated Cement Company Limited, Kistna Cement Works, Guntur District.

BEFORE THE PRESIDING OFFICER, LABOUR COURT, GUNTUR.

PRESENT.—Shri D. Govindarajulu Naidu, B.A., B.L.,—*Presiding Officer.*

APPLICATION No. 3 OF 1962.

BETWEEN.—Shri Wilson David, Mazdoor, T. No. 603, Packing House Department, Kistna Cement Works (P.O.)—*Petitioner.*

AND

Associated Cements Companies Ltd., Kistna Cement Works, District Guntur, Andhra Pradesh.—*Respondents.*

APPEARANCES:

Sri Vedula Jagannadha Rao, President, I.N.T.U.C., on behalf of the workman.

Sri R. H. Ranga Rao, Senior Personnel Officer of the Kistna Cement Company, on behalf of the Management.

AWARD

By an order dated 14th December, 1961, of the Government of India, Ministry of Labour and Employment, the Petitions filed under Section 33(2) and 33(A) of the Industrial Disputes Act, 1947, by the workman and the Management of the Associated Cements Companies Ltd., Kistna Cement Works, Tadepalli, Andhra Pradesh, pending before the National Tribunal, Bombay, have been withdrawn from the file of the National Tribunal, Bombay, and transferred to the Labour Court, Guntur, constituted by the Government of India in the Ministry of Labour and Employment by notification dated 14th December 1961.

This Application has been filed under Section 33(A) of the Industrial Disputes Act, by the Petitioner—Workman against the Associated Cement Companies Limited, Krishna Cement Works, under whom he worked as a Mazdoor, in their Packing House Department.

2. The facts which have led to the filing of this Petition are as follows: The Petitioner was working under the Respondent Company as a Mazdoor in the packing House Department. He was dismissed from service by the Respondent Company for disobedience of Orders relating to "Go-Slow", in the discharge of his duties. This dismissal Order was passed while a dispute was pending between the Company and the workman regarding Bonus before the National Tribunal, Bombay. The Respondent—Company filed another Application No. 2 of 1962, which is also before this Court, under Section 33(2) of the Industrial Disputes Act, praying for approval of their action in dismissing the Petitioner. Subsequent to the filing of this petition by the Respondent, the petitioner has filed the present Application.

3. The averments in this Application are as follows: The enquiry conducted against the Petitioner was an *ex parte* one, wherein the petitioner was not given reasonable opportunity to defend himself through an Office-bearer of the Union. Though the petitioner presented himself at the place of enquiry along with his witnesses, he or his witnesses were not examined. While eleven other persons also were charge-sheeted by the Respondent-Company for alleged "Go-Slow" misconduct, they were let off with suspension, while this petitioner alone was dismissed from service. This dismissal was wrongful dismissal, actuated by motives, amounting to nothing short of victimization. The dispute pending before the National Tribunal was one relating to Bonus. The misconduct alleged against the petitioner was one of Slow Production, which has every connection with the issue of Bonus. As such, the Respondent-Company should have taken prior permission from the National Tribunal before dismissing the Petitioner. As no such permission was obtained, the dismissal of the Petitioner was illegal.

4. To this, the Respondent-Company filed a Counter to the following effect: The Petitioner was charge-sheeted for "Go-Slow" tactics, along with eleven other workers. A proper and valid enquiry was held, and as the misconduct of the petitioner was proved, he was dismissed. The other eleven employees were awarded the punishment of suspension, as they attended the enquiry, admitted their offence, expressed regret, and promised to behave well in future. The Petitioner on the other hand, did not even give a reply to the charge-sheet framed against him, and also deliberately abstained from the enquiry, in spite of repeated advice, and ample opportunity given to him to participate in the enquiry, taking the assistance of a co-worker of his own choice. It is false to state, that he appeared at the enquiry with his witnesses, and that they were not examined. The dismissal order passed by the Company, was based purely on the evidence adduced at the enquiry, and no extraneous considerations prevailed. The Bonus dispute pending before the National Tribunal is in no way connected with the misconduct of 'Go-Slow', of which the petitioner was found guilty. The Respondent Company therefore rightly filed the petition under Section 33(2) of the Industrial Disputes Act, for approval of their action in dismissing the petitioner. As such, there has been no contravention of Section 33 of the Industrial Disputes Act, by the Respondent-Company, and the petition filed by the Petitioner has to be dismissed.

5. As laid down under Section 33(A) of the Industrial Disputes Act, this Application No. 3 of 1962, has to be adjudicated upon by this Court, as if it is a dispute referred to or pending before it, in accordance with the provisions of the Industrial Disputes Act, and an award to the appropriate Government has to be submitted. This Application as well as the other Application No. 2 of 1962, filed by the Respondent—Company for approval, have been received by this Court, by transfer from the National Tribunal, Bombay. A separate Order will be passed on Application No. 2 of 1962. So far as this Application filed by the

Petitioner under Section 33(A) is concerned, a preliminary objection was raised on behalf of the Respondent-Company to the effect, that the petition itself is not maintainable, in as much as the condition precedent, which alone entitles the filing of a Petition under Section 33(A) of the Industrial Disputes Act, viz., that the provisions of Section 33 have to be contravened; has not been fulfilled in the present case.

6. In a decision reported in 1955-I-L.L.J., page 346, it was laid down, that it is the contravention by the employer of the provisions of Section 33, that would give rise to a cause of action in favour of the workman under Section 33(A) of the Act. It was also laid down, that the Authority to whom the complaint is made by the workmen under the above Section has to decide both the issues, viz., (1) the fact of contravention and (2) the merits of the act or order of the employer. In another decision reported in 1958-I-L.L.J., page 793, it was held, that in an enquiry like the present one, under Section 33(A) two questions fall to be considered: Is the fact of contravention by the employer of the provisions of Section 33(A) proved? If so, is the order passed by the employer against the employee justified on the merits? It was also observed, that if the first issue is answered against the employee, nothing further could be done under Section 33(A). In the light of the above decisions therefore, the primary point that has to be determined is, as to whether there has been any contraventions under Section 33, of the Act, to entitle the present Petitioner to file a petition under Section 33(A). The question regarding the merits of the dismissal have only to be gone into, in case it is found that there has been a contravention, but not otherwise.

7. The contraventions under Section 33 of the Act so far as they relate to this Case are: (1) if the matter is connected with the dispute that is pending before the National Tribunal, Bombay, express permission of the authority in writing has to be obtained by the employer before dismissing the workman for misconduct. (2) If the matter is not connected, the dismissal of the workman can only be done after paying the workman wages for one month, and after filing an application before the authority for approval of the action taken by the employer. The present matter falls under Section 33(2) of the act, in view of the fact, that the matter in question is not connected with the dispute pending before the National Tribunal, Bombay. The Petitioner's learned Representative argued however that though the matter pending before the National Tribunal, Bombay, is a Bonus Dispute, in view of the dismissal of the present Petitioner being connected with charges relating to 'Go-Slow' misconduct, which has a bearing upon Bonus, it must be deemed that Section 33(1) applies to the present Case, and not Section 33(2), and that therefore, since the Respondent has not obtained prior permission of the Authority for dismissing the Petitioner, there has been a contravention of Section 33, of the Act.

8. It looks too far fetched and too remote to say, that the misconduct of 'Go-Slow' is connected with the Bonus dispute or has a bearing upon it. On the other hand, I think the Bonus dispute has no connection whatsoever with the 'Go-Slow' misconduct. As such, as rightly argued by the learned representative for the Respondent It is section 33(2) that applies to the present case. As such it has to be seen, whether there is any contravention of Section 33(2) of the Act. It is the Claim of the Respondent as seen from the Petition filed by the Respondent under Section 33(2) (Application No. 2 of 1962) that one month's wages have been sent to the petitioner by Money Order as he refused to receive it. So far as the other condition is concerned, the Respondent has filed Application No. 2 of 1962, for approval of the action taken against the Petitioner. Under these circumstances, it cannot be said that there has been any contravention of Section 33(2) of the Act, in order to give a right to the Petitioner to file the Complaint under Section 33(A) of the Industrial Disputes Act. I find therefore, that the petition filed by the Petitioner under Section 33(A), of the act is not maintainable, in view of there being no contravention whatsoever of Section 33(A), of the Act, which is a condition precedent for enabling the petitioner to make a Complaint under Section 33(A) of the Industrial Disputes Act.

9. On a consideration of all the above, therefore, the petition filed by the Petitioner under Section 33(A) is liable to be dismissed. An Award is therefore passed, dismissing the Claim of the Petitioner. The Parties are ordered to bear their own costs, in the circumstances of the case.

10. This Award may now be submitted to the Government under Section 15 of the Industrial Disputes Act, 1947.

Given under my hand and seal of this Court, this the 18th day of April, 1962.

D. GOVINDARAJULU, Presiding Officer.

[No. 7/24/60-LRIV.]

G. JAGANNATHAN, Under Secy.

New Delhi, the 26th April, 1962.

S.O. 1353.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Nowrozabad Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CALCUTTA.

REFERENCE No. 10 OF 1962

PARTIES:

Employers in relation to the Nowrozabad Colliery.

AND

Their workmen.

PRESENT:

Shri L. P. Dave.—*Presiding Officer.*

APPEARANCES:

For the Employers.—Shri G. B. Pai, Officer of the Employers' Federation of India.

For the Workmen.—Shri K. B. Chougule.

STATE: Madhya Pradesh.

INDUSTRY: Coal Mines.

AWARD.

Government of India, Ministry of Labour and Employment, by its order No. 2/300/60-LR-II, dated the 3rd June, 1961, referred the industrial dispute between the employers in relation to the Nowrozabad Colliery and their workmen in respect of the question whether the dismissal of Shri Taj Khan was justified and lawful and if not, what relief he was entitled to for adjudication to the Industrial Tribunal at Dhanbad. By subsequent order No. 4/90/61-LR-II, dated 13th December, 1961, the proceedings in relation to the above dispute were withdrawn from the Dhanbad Tribunal and transferred to this Tribunal for disposal according to law.

2. In response to notices issued by the Dhanbad Tribunal, both the parties had filed their written statements before it. The matter relates to the dismissal of one Shri Taj Khan who was working as Mining Sirdar at Nowrozabad Colliery. The Management alleged that on 27th June, 1960, the said workman had gone to the office of the Office Superintendent Shri Parikh and asked him whether the Accountant Shri Joshi had any authority to order that the payment to Dharamraj Singh should be stopped. Shri Parikh told him that Shri Joshi had the necessary authority and that Shri Joshi had acted under the instructions of Shri Parikh. Shri Taj Khan then asked Shri Parikh whether the latter had any such authority and Shri Parikh replied in the affirmative. On this Taj Khan left the office with a threat that he would see. After this at about 12.15 noon when Shri Parikh and Shri Joshi were going home on bicycles for lunch, Taj Khan stopped them and caught hold of the handle of the bicycles of Shri Parikh and asked him why he had abused him. Shri Parikh denied having abused Taj Khan. Still Taj Khan did not leave the bicycle handle and Shri Parikh had to get down from the bicycle. Shri Taj Khan then pulled out the leather belt from the waist of Shri Parikh. A number of people including a clerk named Swamy and a Contractor named Pathak collected there. Pathak got Taj Khan release the handle of Parikh's bicycle and took him away from that place. Shri Parikh went to the Manager and gave a written complaint of what had happened. The

Manager thereupon issued a chargesheet against Taj Khan and also suspended him. Taj Khan replied to the chargesheet. He admitted having gone to Shri Parikh's office in the morning regarding the payment of Shri Dharamraj Singh. He however stated that Shri Parikh asked him to leave the office and when Taj Khan told him that he would complain to the Manager, Parikh gave him filthy abuses. Taj Khan then stated that at about noon he was standing on the road when Parikh and Joshi passed by and that they had again a talk and at that time he told Parikh that it was not proper for him to have given him a filthy abuse. Taj Khan further said that while they were talking like this, some persons came there and asked him to go home and thereupon he went away to his quarters. He admitted that he had caught hold of the handle of Parikh's bicycle, but he said that he had done it casually in the normal way and not by way of threatening or assaulting him. The Manager asked the Administrative Officer to hold a departmental enquiry. Accordingly, the said Officer held an enquiry when Shri Parikh, Shri Joshi, Shri Swamy and Shri Pathak were examined in support of the chargesheet. Taj Khan was given an opportunity to cross examine these witnesses and he did actually cross examine them. Taj Khan was also given an opportunity to examine witnesses in support of his version and accordingly he examined four workmen. After going through the entire evidence recorded before him, the Inquiry Officer held the charge proved and recommended that Taj Khan should be dismissed. The Manager submitted the papers to the higher authorities and after obtaining necessary permission from them passed an order dismissing Taj Khan. This is the subject matter of the present reference.

3. The workmen by their written statement denied that Taj Khan had assaulted Parikh as alleged. The Management urged that he had done so. Copies of all the papers of the Enquiry have been produced before me and have also been admitted by both the parties. Neither party has led any evidence before me.

4. The law regarding the scope of adjudication and the powers of an Industrial Tribunal when considering the dispute about a dismissal is now well settled. In the case of Indian Iron and Steel Co., Ltd., and their workmen, 1958-I, L.L.J. 260, their Lordships of the Supreme Court have observed at page 270, "In cases of dismissal for mis-conduct, the tribunal does not (however) act as a Court of appeal and substitute its own judgement. It will interfere (i) when there is a want of good faith; (ii) when there is victimization or unfair labour practice; (iii) when the management has been guilty of a basic error or violation of a principle of natural justice; and (iv) when on the materials, the finding is completely baseless or perverse". These principles have been followed in subsequent cases. In the case of Doom Dooma Tea Co., Ltd., and Assam Chah Karmachari Sangha, 1960-II, L.L.J. page 56, the Supreme Court has reiterated these principles. It has also observed that normally the awarding of proper punishment for mis-conduct under the Standing orders is the function of management, and unless there is valid justification the Tribunal should be slow to interfere with the exercise of that function. These principles have again been followed by the Supreme Court in the cases of Titaghur Paper Mills Company, Ltd., and Ram Narsh Kumar, 1961-I, L.L.J. page 511, and Pure Drinks (Private) Ltd., v. Kirat Singh Maungatt and another, 1961-II, L.L.J. page 99.

5. Bearing the above principles in mind, let us now consider the facts of the present case and apply the principles thereto. It is not in dispute that two incidents took place on 27th June, 1960. The first incident took place in the morning in the office of the Office Superintendent Shri Parikh when Taj Khan went there in connection with payment to be made to one Dharamraj Singh. According to the evidence of Parikh which is supported by the Accountant Shri Joshi, what happened at the office was that Taj Khan questioned the authority of Joshi and Parikh to order stoppage of payment, but he was told that they had the said authority and he thereupon left the place after giving a threat. On the other hand, Taj Khan's version is that Parikh became angry with him and asked him to leave the office and when he said that he would have to complain to the Manager, Parikh gave him a filthy abuse. The second incident took place just after noon when Parikh and Joshi were going home on their bicycles. According to them, they were stopped by Taj Khan, who caught hold of the handle of Parikh's bicycle and asked him why he had abused him; and though Parikh denied it, Taj Khan did not let go the handle of the bicycle. Parikh had to get down from the bicycle. Taj Khan then snatched the belt from the waist of Parikh. At that time some people including one Pathak collected there and intervened and Pathak told Taj Khan that if he had anything to say, he could go to the Manager; he then took him away from that place.

6. Before the Enquiry Officer Parikh and Joshi gave their evidences and were cross-examined by Taj Khan. One Swamy who is an office clerk was near the place where the second incident took place and he was also examined in support of the charge against Taj Khan. Similarly a contractor named Pathak who went there on hearing the quarrel and who took away Taj Khan from the place was also examined. All these persons were cross-examined by Taj Khan. Taj Khan then examined four witnesses named Dadan Ram, Dharam Raj Singh, Tuffail Ahmed, and Habib in support of his version. The Enquiry Officer after considering the entire evidence before him has held the charge proved.

7. Shri Chougule, who appeared before me on behalf of the workmen, contended that the evidence of Shri Parikh and Shri Joshi was that of interested witnesses and the Enquiry Officer should not, therefore, have believed them. He urged that Parikh was the person who had abused Taj Khan and Joshi was the subordinate of Parikh and it was in connection with Joshi's action in stopping payment that the dispute had arisen and Joshi was, therefore, bound to support the version of Parikh. In the circumstances he urged that the Enquiry Officer should not have believed either Parikh or Joshi. Shri Chougule then contended that so far Swamy and Pathak are concerned they had not supported Parikh and Joshi in all respects and their evidences should not have been taken as proving the charge against Taj Khan. Lastly, he contended that the four workmen examined in defence should have been believed so also the statement of Taj Khan and the Enquiry Officer should therefore have held that the charge against Taj Khan was not proved.

8. As observed by the Supreme Court, the Tribunal is not sitting in appeal against the decision of the Management or the Enquiry Officer. The Tribunal has no power to substitute its own judgment or its own findings in place of the judgment or findings of the management. All that the Tribunal has got to consider is whether there was any want of good faith on the part of the Management, whether there was victimisation or unfair labour practice, whether there was a basic error or failure of the principles of natural justice and whether the finding was completely baseless or perverse. None of these things is established in the present case.

9. Believing a particular witness or not believing a particular witness is a question of fact and not one of law. If the Enquiry Officer believed the evidence of Parikh and Joshi or if he disbelieved the evidence of other witnesses, it could not be said that his finding is perverse. Law does not require even in a criminal trial that there should be a particular number of witness nor does the law require that the evidence of the complainant would not by itself be sufficient to warrant a conviction. What has got to be seen is whether in the circumstances of the case that evidence should be believed or should not be believed. For instance, if a person is assaulted by another and if no one is present at that time, it could not mean that the person who committed the assault could not be convicted on the sole testimony of the assaulted person. The surrounding circumstances would have to be looked into for considering whether the evidence should be believed or not.

10. In the present case, there are several circumstances which could be said to support the charge against Taj Khan. Admittedly he did catch hold of the handle of the bicycle of Parikh. From the evidence of Swamy, it appears that Parikh called him out. This should support Parikh's version that he shouted for help. Then the evidence of Swamy also shows that several people came there and that Pathak asked Taj Khan as to what the matter was and further asked him to go home, adding that if he had anything to say, he should go to the Manager and tell him. Swamy has also said that Pathak removed Taj Khan's hand from the bicycle of Parikh with the help of his hands. Pathak's evidence also shows that there was some quarrel and that Parikh and Taj Khan were speaking in a very loud tone. He has further said that Taj Khan's hand was on the cycle handle and that he went there and caught hold of Taj Khan and took him to his quarter. Pathak has further said that many people had gathered there and that Taj Khan and Parikh were talking very loudly and he felt it necessary to take away Taj Khan from there. The evidence of Dharam Raj Singh also shows that many people had collected there. Similarly the evidence of Tuffail Ahmed and Habib also shows that there were many people there, that Pathak went there and that he brought Taj Khan with him and took him to his house. Taj Khan himself has admitted that Pathak came there and told him that whatever complaint he had to make he should make it to the Manager and that he should not argue there with Shri Parikh.

11. From all this evidence the Enquiry Officer could have come to the conclusion that there was a quarrel between Taj Khan and Parikh, that Taj Khan had caught hold of the handle of Parikh's bicycle, that the two were quarrelling in a loud voice, that many people had collected there, that Pathak had to intervene and to take Taj Khan away from that place after telling him that if he had any grievance he should inform the Manager about it. If in view of these circumstances, the Enquiry Officer felt that the evidence of Pathak and Joshi should be believed, it could not be said that his finding was perverse. As I mentioned above, I am not sitting in appeal and I am not considering the question whether I would have arrived at a different conclusion. All that I have to consider is whether there was evidence before the Enquiry Officer from which it was possible for him to have come to the conclusion in a *bonafide* manner and I think that there was sufficient material from which he could have come to that conclusion. I therefore do not think that his finding is perverse.

12. It was then contended that there was want of good faith and that it was a case of victimisation and of unfair labour practice. In this connection, Shri Chougule contended that Taj Khan was victimised because he had joined the Union and because the Management felt that he might divulge their secrets to the Union. In the alternative, he contended that Parikh was in the wrong and with a view to save his skin, he made a false complaint with the help of Joshi. To understand these contentions a few facts may be stated here.

13. Shri Taj Khan was formerly the Vice-President of the Union upto July 1957. It appears that he was dismissed somewhere in 1955-56 and his dismissal was one of the matters in dispute in the Reference 1 of 1956 before the Industrial Tribunal, Dhanbad. The said dispute was settled and an award was passed by the said Tribunal on 19-12-56 in terms of the settlement. It appears from the said award that Taj Khan had been re-instated with effect from 10-10-1956. Shri Chougule admitted that Taj Khan ceased to be a member of the Union from July, 1957, but that he again became a member of the Union in the beginning of 1960; he was however not an Office-bearer. It is said that there was some dispute between the Company and the workmen which was referred to the Industrial Tribunal, Bombay. It is further said that Shri Taj Khan was helping the Management in that dispute and that he had gone to Bombay at the instance of the Company to give evidence before the Tribunal. The dispute was however settled and no evidence had to be recorded. It is urged that after this the Company wanted to get rid of Taj Khan, because they were afraid that he might disclose to the Union their secrets which he had come to know because he was helping the Company in the above dispute and that is why this false case was made out against him.

14. It may be noted that Taj Khan has stated before the Enquiry Officer that he could not give any instance where he was harassed by any Officer of the Company. As I mentioned above, he had left the Union in July 1957 and again joined it only in the beginning of 1960 and even then he was not an Office bearer. In the workmen's written statement at page 3 (towards the end of para 2), they have stated, "we have reasons to believe that the Management had thought that Shri Taj Khan was not a member of the Union and that since he had sided with the Management, the Union may not take up his case and so they could conveniently victimise him by dismissing him and thus get rid of a person who knew many secrets of the Company, which were told to him as a witness of the Company". Thus, according to the workmen, the Management did not know that Taj Khan was a member of the Union and it could not, therefore, be said that the Management wanted to victimise him because of his Trade Union activities.

15. It was said that the Management wanted to get rid of him because he had come to know of several secrets of the Company. There is nothing to justify this allegation. It is not shown firstly that Taj Khan was in the know of any secret of the Company nor is there anything to show that the Management were actuated by any improper motives or unfair labour practice. There is nothing to show or suggest that either Parikh or Joshi, or for the matter of that the Manager or the Enquiry Officer, had any instructions from the Management in this connection or that there was any conspiracy among them to make out a false case against Taj Khan. On the contrary, the statement of Taj Khan would show that he had confidence in the Manager because when according to him Parikh asked him to leave the office, he told him that he would go to the Manager. Similarly later on when Pathak took him away, Pathak told him that if he had any grievances, he should tell the Manager about it. In other words, at that stage, Taj Khan had confidence in the Manager and it could not be said that the whole matter was put up only with a view to get rid of Taj Khan.

16. It was then argued that even if the Management were not guilty of victimisation or unfair labour practice, at any rate it should have been held that the charge was falsely put up by Parikh to save his skin as he was in the wrong. This would be a question of fact that I do not think that the Tribunal would be justified in going into the questions.

17. My attention was then drawn to the letter produced with the Management's written statement as exhibit XII, written by the Enquiry Officer to Taj Khan on 9th July 1960 wherein he has mentioned, "you will be given all reasonable opportunity to prove your innocence". It was contended from this that this showed that the Enquiry Officer was prejudiced and was believing that Taj Khan was guilty and wanted Taj Khan to prove his innocence. If we read the above sentence by itself, probably this impression might be created in one's mind. If, however, we look to the entire correspondence and specially to the letter to which the above was a reply, it would appear that the above wording is rather loosely used. Taj Khan wrote a letter to the Enquiry Officer on 9th July 1960 stating that the enquiry was not being properly conducted and that objections raised by him were not being recorded, and requesting that a Union representative may be allowed to remain present at the inquiry etc. It was in reply to this letter that the Enquiry Officer wrote the above letter denying the allegations about the enquiry being not proper etc. He also said that it would not be possible for him to permit Taj Khan to bring Union representative to defend him, but that he would be at liberty to bring a workman of his department to defend him. Then comes the last para. "Needless to assure you that the inquiry so far conducted has observed, all the principles of natural justice and you will be given all reasonable opportunity to prove your innocence". One must remember the fact that this letter is written by a person not familiar with legal terminology and as such it must be considered as a whole and should be construed in a reasonable manner. I think that what was meant by the Enquiry Officer was that Taj Khan would be given all reasonable opportunity to defend himself and to examine witnesses in defence if he thought fit. I do not think that the loose use of the words "to prove your innocence" would mean that the Enquiry Officer had already presumed Taj Khan to be guilty.

18. It was then urged that in his report the Enquiry Officer has referred to the previous service record of Taj Khan and stated that it appeared therefrom that Taj Khan had been chargesheeted and suspended pending enquiry for assaulting a Store-keeper in 1956 and that an application had been made under section 33 of the Industrial Disputes Act for his dismissal. However, as an agreement between the Union and Company was reached, he was allowed to continue in the Company's service. It was argued that this shows that the Enquiry Officer was prejudiced against Taj Khan because of an earlier incident and secondly that he should not have referred to that earlier incident without drawing Taj Khan's attention to it and giving him an opportunity to explain it. It may be noted in this connection that this point is referred to by the Enquiry Officer only when considering the question of the punishment to be awarded to Taj Khan. The Enquiry Officer's report shows that he first considered the evidence and found that Taj Khan was guilty of the charges levelled against him. It is after this that the Enquiry Officer has referred to the previous suspension of Taj Khan in 1956 and stated that the charges against Taj Khan were serious and more so as he was one of the Supervisory cadre, and that in view of this he recommended that he should be dismissed. It may be noted in this connection that in the dismissal order the previous suspension has not been referred to and all that has been mentioned is that the charges levelled against and proved against Taj Khan were grave and serious and so the punishment warranted was that of dismissal. I do not think that the reference to the previous suspension has in any way affected the findings or the punishment.

19. At this stage, I may refer to two circumstances which may be said to be going against the workmen's allegations against the Management and the Enquiry Officer. The first is that the Enquiry Officer had held an Enquiry not only against Taj Khan, but also against Tuffail Ahmed, but the Enquiry Officer held the charge only against Taj Khan proved while the charge against Tuffail Ahmed was held not proved. This shows that there was no *malafides* or bias on behalf of either the Management or the Enquiry Officer.

20. Another circumstances which may be noted is that Taj Khan was suspended from 29th June 1960. Under the Standing Orders, the maximum period of suspension was ten days. The enquiry could not be completed within this period and so on 9th July 1960 the Manager passed an order that Taj Khan should be marked present from that day onwards and that wages etc. would be prepared as usual and paid to him on the payment day, but he would not be allowed to

do any work. This shows that the Management did not want to harras Taj Khan in any improper way. They had suspended him because of a serious charge against him and an enquiry was being conducted and as the enquiry was not over within ten days, they started making payment to him though they did not allow him to resume work. If they wanted to harras him, they could easily have not made any payment to him till the enquiry was over.

21. On the whole, after having gone into the entire record of the enquiry held against Taj Khan and after having given my careful consideration to the arguments advanced before me by Shri Chougule, I am of the view that there was no want of good faith on the part of the Management, that there was no victimisation or unfair labour practice; that there was no basic error or violation of principles of natural justice and that the finding is neither baseless nor perverse. In my opinion, there was sufficient material before the Enquiry Officer and the Management from which they could hold Taj Khan guilty of the charge levelled against him.

22. It was lastly contended that Taj Khan was charged with having committed a breach of Standing Order 16(5) which makes "drunkenness, fighting, riotous or disorderly or indecent behaviour" misconduct. It was contended that this applied only when the person was guilty of drunkenness, fighting or riotous or disorderly or indecent behaviour when on duty and that it would not apply to cases where he did so outside office hours. It is to be remembered that the charge against Taj Khan was that he was guilty of the above riotous, disorderly or indecent behaviour when Parikh and Joshi were returning home from duty. If we look at the whole incident, it would be clear that the incident took place at a short distance from the place of duty and just after the hours of duty were over. It was not a result of a private quarrel, but arose out of official duties of Parikh and Joshi. The present case is even a stronger case than the case of Central India Coal Fields v. Ram Bilas Shobnath, 1961-I L.L.J. page 546 where the incident took place in the quarters at a short distance from the place of work and the Supreme Court held that it was covered by the Standing Order 29(5) which is in identical words as Standing Order 16(5) in the present case. In my opinion, the Management were right in holding that Taj Khan was guilty of misconduct as defined under the above Standing Order and were within their rights in dismissing him.

23. In the result, I hold that dismissal of Shri Taj Khan was justified and lawful and he is, therefore, not entitled to any relief.

I pass my award accordingly.

L. P. DAVE, Presiding Officer.

The 16th April, 1962.

[No. 2/300/60-LRII.]

S.O. 1354.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Central Kirkend Colliery and their workmen.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD**

REFERENCE No. 38, OF 1961

PARTIES:—

Employers in relation to the Central Kirkend Colliery.

AND

their workmen.

PRESENT:—

Shri Salim M. Merchant,—*Presiding Officer.*

Dhanbad: Dated: 18th April, 1962.

APPEARANCES:—

For the Employers.—Shri M. N. Mukherjee, Head Clerk.

For the workmen.—Shri Ajodhya Prasad Gupta, Organising Secretary,
Colliery Mazdoor Sangh.

STATE: Bihar.

INDUSTRY: Coal Mining.

AWARD

The Government of India, By the Ministry of Labour and Employment's Order No. 2/101/61-LRII, dated 31st May, 1961, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), was pleased to refer the industrial dispute between the parties abovenamed in respect of the subject matters specified in the following schedule to the said order, to my adjudication:—

SCHEDULE

"Whether the management was justified in keeping the workmen (mentioned below) idle for the period from 14th September, 1958, to 19th May, 1959, on the plea that they had been retrenched. If not, to what relief are they entitled:

1. Shri Chamadi Bhuia.
2. Shri Sheo Mangal.
3. Shri Prasadi Pasi.
4. Shri Jitan Das.
5. Shri Faguni Bhuia.
6. Shri Manik Pasi.
7. Shri Ganari Bhuia.
8. Shri Bhim Bhuya.
9. Shri Jago Bhuya.
10. Shri R. C. Tewari".

2. After the parties had filed their written statements, at the hearing of this dispute before me at Dhanbad on 18th April, 1962, the parties filed terms of settlement reached between them and have prayed that an award be made in terms of that settlement. A copy of the joint application of the parties containing the terms of settlement is annexed hereto and marked annexure 'A'. In view of the fact that it is admitted that the colliery has closed down the terms of settlement appear to be reasonable and I therefore accept the settlement and make an award in terms of annexure 'A' which shall form part of this award.

No order as to costs.

SALIM M. MERCHANT,

Presiding Officer,

Central Government Industrial Tribunal,
Dhanbad.

ANNEXURE A.

BEFORE:—

THE PRESIDING OFFICER,

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 38 OF 1961

Employers in relation to Central Kurkend Colliery.

AND

Their Workmen.

The parties above-named most respectfully sheweth:—

1. That in consideration of the fact that the Central Kurkend Colliery has been closed down and in view of the fact that various cases and references are pending between the parties, a memorandum of settlement dated 27th January, 1962, was effected between the Union representing the workmen and the employers to resolve all outstanding disputes.

2. That without prejudice to the contentions of the parties in the above reference it is hereby agreed between the parties as follows:—

(a) That all workmen concerned in this dispute shall be paid lay-off compensation for a total period of 45 days in accordance with the Industrial Disputes Act, in full and final settlement of their claim. The amount so paid shall

not be adjusted towards their retrenchment compensation, if they are retrenched in future.

(b) That the lay-off compensation as mentioned above shall be paid to the workmen concerned within 15 days from the date of this agreement.

(c) That the parties will bear their respective costs of this proceeding.

It is therefore prayed that the above compromise may be recorded and an Award passed in terms thereof.

AJUDHYA PARSAD GUPTA,

Organising Secretary,

Colliery Mazdoor Sangh, Dhanbad,

For the Workmen.

Dated the 18 April, 1962.

Illegible,
Director,
Central Kurkend Coal Co., Ltd.
For Employers.

Dated the 18th April, 1962.

Taken on File.

Illegible,
18th April, 1962.
Presiding Officer,
Central Govt. Industrial Tribunal, Dhanbad.
[No. 2/101/61-LRII.]

New Delhi, the 28th April 1962

S.O. 1355.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Arbitrator in the industrial dispute between the employers in relation to the M/S. Bolani Ores Limited, P.O. Barbil, District Keonjhar, Orissa and their workmen represented by the **Barbil Workers' Union**, P.O. Barbil, District Keonjhar, Orissa.

PRESENT

Shri A. J. Samuel, Retired Asstt. Secretary to the Government of Burma, 224, Lower Circular Road, Calcutta—17—Arbitrator.

In the matter of an Industrial dispute between Messrs Bolani Ores Limited, P.O. Barbil, Dist., Keonjhar and their workmen.

For the Company.—Shri M. S. Bala.

For the Barbil Workers' Union.—Shri J. R. Dash.

AWARD

The Government of India, Ministry of Labour and Employment by Order S.O. dated 18th November, 1961, published in Part II, Section 3, Sub-section (ii) of the Gazette of India dated 25th November, 1961, referred to me for arbitration the dispute regarding the discharge of Dr. D. N. Ghosh between Messrs. Bolani Ores Ltd., P.O. Barbil, Dist., Keonjhar, Orissa and their workmen represented by the **Barbil Workers' Union**, P.O. Barbil Dist., Keonjhar, Orissa.

The specific issues are as follows:

"Whether the services of Dr. D. N. Ghosh employed by Messrs Bolani Ores Ltd., have been lawfully terminated, if not, to what relief is he entitled to".

The Union's case is briefly as follows:

Dr. D. N. Ghosh was appointed on a three year contract as Medical Officer of Messrs. Bolani Ores Ltd., on probation for six months, from the 30th October, 1960. By letter dated 29th April, 1961, the Management purported to terminate the services of Dr. D. N. Ghosh with effect from the 1st June, 1961. The letter was actually delivered to Dr. Ghosh on the 6th June 1961, i.e., after the expiry

of his probationary period. Sometime before terminating Dr. Ghosh's services, the Management asked Dr. Ghosh to obtain its prior approval before submitting injury reports. On Dr. Ghosh refusing to comply with this, the Management terminated his services. The Union further contended that Dr. Ghosh was a workman and was denied of the the natural justice to which he is entitled to under the Indian Constitution and prays that the Arbitrator should hold that the termination of the services of Dr. Ghosh is illegal and that he should be reinstated with back wages and also for other incidental remedies.

The Management's case is that Dr. D. N. Ghosh, a retired Civil Surgeon of the Orissa Government who was 55 years of age on 24th June, 1960, was appointed on probation for a period of six months by the Company's letter dated 29th June, 1960. Sometime after Dr. Ghosh joined his duties, the Barbil Workers' Union bitterly complained about him in their letter No. B/W-BOL-22/60, dated 17th November, 1960. Dr. Ghosh's services were terminated from 1st June, 1961, by the Company's letter dated 29th April, 1961. The Company's case is that Dr. Ghosh is not a workman, and even if Dr. Ghosh was considered as a workman, as he was not a member of the Union, his case is an individual dispute. The Company denies the allegation that Dr. Ghosh was asked to submit injury reports to the Management for their prior approval. The Management's view is that all that Dr. Ghosh is entitled to is a month's pay in lieu of notice, assuming there was delay in the delivery of the letter terminating his services.

The first question to consider is whether Dr. Ghosh is a workman. The Union relies on the decision reported in A.I.R. 1961, Assam Page 30, and argued that, being a workman Dr. Ghosh is entitled to the benefits of the Industrial Disputes Act as well as the Conciliation Settlement dated 12th June, 1960. I do not find in the Conciliation Settlement referred to above any reference to the grade of the Medical Officer even though the grades of all other workmen find a place in that settlement. However, whether a person is a workman or not is a mixed question of law and fact and I do not consider it necessary to give a decision on this point at this stage.

The question whether Dr. Ghosh's case is an individual dispute or an Industrial dispute has been raised and it is now settled that while a dispute between a single worker and the employer would not amount to an Industrial dispute, when such a dispute is espoused by the workers' Union or a substantial body of workers, it would amount to an Industrial dispute. The Andhra Pradesh High Court has held that a case does not become an Industrial dispute if a person is made a member of the Union after the termination of his services by the employer, only to raise an Industrial dispute (Padarthy Ratnam and Co., Guntur and Industrial Tribunal and others (1958 LLJ(II) page 291). A single Judge of the Kerala High Court differed from this view and the Union cited this case in its favour (Shamsuddin and State of Kerala and others, (1960 LLJ. (I) Page 623). But this view has been over-ruled by a Division Bench of the Kerala High Court (1961 LLJ (I) Page 77). The consensus of opinion of two High Courts is that there can be an Industrial dispute only if the Union takes up the case of a person who was a member before his services were terminated. In this case, the Union did not produce any documentary evidence in support of their contention that Dr. Ghosh enrolled himself as a member of the Union before the termination of his services, but relied on a statement made by the Conciliation Officer (Central) Jharsuguda in his "Failure Report" dated the 27th September, 1961, to the Government of India, to the effect that "he (Conciliation Officer) verified from the records of the Union that Dr. Ghosh paid subscription to the Union from 1st January to 30th June, 1961".

The third question that I would like to consider is whether Dr. Ghosh should be deemed to have become permanent on the expiry of six months period. Even assuming Dr. Ghosh is a workman, I find that the Conciliation settlement dated 12th June, 1960, and the standing orders as certified by the Regional Labour Commissioner speak differently of the status of the workman on probation after completion of six months. I am unable to hold that an employee automatically becomes permanent on the expiry of six months. If an employee is kept on probation indefinitely to deprive him of the benefits of permanency, this may amount to an unfair labour practice [1957 (1) LLJ. 412, 1952 (1) LLJ. 504].

I now come to the allegations made in paragraphs 10, 11, 12 and 13 of the Union's written statement that Dr. Ghosh was asked to submit to the Management injury reports. Enclosures 17 and 18 are copies of two letters written by the Management to the Medical Officer. I see nothing wrong in them. The letters referred above are dated 14th and 21st April, 1961, but Dr. Ghosh's allegation is made for the first time in his letter dated 22nd May, 1961, to the Chief

Inspector of Mines (Encl. 16). As Dr. Ghosh had received the letter of termination of service on the 6th May, 1961, I am constrained to hold that the termination had nothing to do with the alleged mounting pressure.

Apart from the legal and technical aspect of the case, I am of the opinion that the Management was at liberty to terminate the services of Dr. Ghosh by giving him a clear month's notice or a month's pay in lieu of notice, if it was considered that his work was continuously unsatisfactory and that he was advancing in age which had resulted in deterioration in his work. But I do not find from the records of the management that he was ever given a warning of any unsatisfactory service or deterioration in his work due to his age. I feel equity demands prior warning of adverse reports, if any. The decision to terminate his services was communicated to him all of a sudden. Dr. Ghosh has had long experience as a Civil Surgeon and was working in the Kocnjar Dist. itself. While I agree with the Management's contention that a person starting on a fresh employment at the age of which Dr. Ghosh started could not expect to work for an indefinite period, it cannot be disputed that Dr. Ghosh had a reasonable expectation to work at least for a period of three years (i.e., the period of his first contract) as he was recruited after a careful medical examination by the Company's doctor.

In the circumstances, I am of the opinion that Dr. Ghosh's case deserves sympathetic consideration and I therefore direct that Dr. Ghosh should be paid salary up to the 31st May, 1961, a month's pay in lieu of notice, and another three months pay an *ex gratia*.

Before paying Dr. Ghosh these dues, the Management is entitled to get from Dr. Ghosh a proper account for the advance of Rs. 470 that he took from the Company for which he has not accounted so far. I direct Dr. Ghosh to submit to the Management a proper account for the advance he took.

COSTS Each Party will bear its own cost and the fees of the Arbitrator will be borne by the Management.

A. J. SAMUEL,
Arbitrator.

The 18th March, 1962.

[No. 23/47/61-LRII.]

New Delhi, the 30th April 1962

S.O. 1356.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Messrs Associated Cement Companies Limited and their workmen employed in the Kymore Limestone Quarry.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE No. CGIT-18 of 1961.

Employers in relation to the Associated Cement Companies Ltd.,

AND

Their Workmen Employed in the Kymore Limestone Quarry.

Present.—Shri Salim M. Merchant, Presiding Officer.

APPEARANCES:

For the Employers.—Counsel Shri R. J. Kolah with Shri D. S. Dighe, Senior Personnel Officer and Shri G. L. Govil, Personnel Officer.

For the Workmen.—Shri K. B. Chougule, Secretary and Shri Emanuel Askar, General Secretary, Kymore Quarry Karmachari Sangh with Shri G. C. Jaiswal, Member, Working Committee, Indian National Mine Workers' Federation.

Bombay, the 23rd April, 1962

STATE: Madhya Pradesh.

INDUSTRY: Limestone Quarrying.

AWARD

The Central Government, by the Ministry of Labour and Employment's Order No. 22/14/61-LRII dated 25th May 1961, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes

Act, 1947 (Act XIV of 1947), was pleased to refer the industrial dispute between the parties abovenamed in respect of the subject matters specified in the following schedule to the said order to me for adjudication:—

SCHEDULE

“Whether the existing classification and the placing thereon of the following categories of workmen in the Kymore Limestone Quarry of Messrs. Associated Cement Companies Ltd., are proper in terms of their occupations and the standards laid down in the Report of the Central Wage Board for the Cement Industry; if not what should be the proper classification and placing and to what other relief they are entitled?”

- (1) Time Keepers (2) Compounders (3) Quarry Overmen (4) Trained Teachers (5) Blasting Supervisors (6) Health Visitor (7) Assistant Foreman (8) Chief Time Keeper (9) Headmaster (10) Helpers (11) Pointsmen (12) Mates (13) Watchman (14) Chowkidars (15) Railway Mates (16) Peons (17) Shotfiring mazdoors (18) Greasers (19) Machinery attendants (20) Assistant Fitters (21) Carpenter (22) Issuers (23) Drillers (24) Shot frers (25) Blasting Mistries (26) Joy Drill Operators (27) Motor Lorry Drivers (28) Welders (29) Diesel Fitters (30) Fitters (31) Electricians (32) Euclid operators (33) Scrapper operators and (34) Excavator operators.”

2. At the hearing of the dispute, Shri R. J. Kolah, learned Counsel for the company, contended, as a preliminary objection, that the reference in respect of 18 categories out of the 34 categories under reference, was not maintainable as classification categorywise is not permitted in terms of their occupations and standards laid down in the Report of the Central Wage Board for the Cement Industry (hereinafter referred to for brevity's sake as the Wage Board), and such classification could only be in respect of individual operatives and that as the dispute referred was not in respect of individual operatives the Tribunal had no jurisdiction to adjudicate on this dispute. The 18 daily rated categories to which Shri Kolah objected are as follows:—

Serial No. in Schedule

Category

10	Helpers.
11	Pointsmen.
12	Mates.
13	Watchmen.
14	Chowkidars.
15	Railway mates.
16	Peons.
17	Shot-frers.
18	Greasers.
19	Machinery attendants
20	Assistant fitters.
21	Carpenter.
22	Issuers.
23	Drillers.
24	Shot frers.
25	Blasting mistries.
26	Joy Drill Operators and
27	Motor Lorry Drivers.

Considering the language of para. 13.10.1 and the scheme on which the Wage Board had formulated its recommendations, for the reasons stated in my Order dated 20th January 1962, I upheld Shri Kolah's objection. A copy of my said order is annexed to this Award as annexure 'A', and it shall form part of this Award.

3. I, therefore, award that the reference for the classification categorywise of the 18 categories mentioned above is not permissible in terms of their occupations and the standards laid down in the report of the Wage Board, and that only disputes in respect of proper classification in these categories of individual operatives only could be raised. The reference, therefore, in respect of these 18 categories fails.

4. It was also contended by Shri Kolah that the reference in respect of the following categories of daily rated operators in respect of whom the union's claim is that they should be placed in the monthly rated clerical and lower technical supervisory staff, was also not competent. The 7 categories are:—

<i>Item No. in the Schedule</i>	<i>Category</i>
28	Welders.
29	Diesel Fitters.
30	Fitters.
31	Electricians.
32	Euclid Operator.
33	Scraper Operator and
34	Excavator Operators.

It was admitted that there are daily rated operatives who have been classified in Grades A to E under the Wage Board's Report. The union wants them to be placed in various grades of pay fixed for the monthly rated clerical and lower technical and supervisory staff. By my said order dated 20th January 1961, I upheld this contention of the management and held that the demand for classification of these categories in terms of their occupation and the standards laid down in the Wage Board's Report into monthly rated clerical and lower technical and supervisory staff was not competent and for the reasons stated in that order, I now award accordingly.

5. It was also contended by the company in its written statement that the following 3 categories viz.,

<i>Item No. in the Schedule</i>	<i>Category</i>
4	Trained teachers.
6	Health Visitors and
9	Headmasters.

do not fall within the definition of the term "workmen" as defined by section 2(s) of the Industrial Disputes Act, 1947, and therefore this Tribunal has no jurisdiction to adjudicate on any demand in respect of these 3 categories. After considering the various decisions of the Labour Appellate Tribunal relied upon by Shri Kolah I held by my order dated 20th January 1962 that categories Nos. 4 and 9 i.e., Trained Teachers and Head Masters, were not workmen within the definition of section 2(s) of the Act and the reference in respect of their categorisation, which in effect would mean fixing the proper scale of pay for them, was not maintainable. With regard to category No. 6 Health Visitors I held by my order dated 20th January 1962 that as there was not sufficient material placed before me at the stage of the submissions on the preliminary objections regarding their duties, I would consider their case when the dispute was heard on its merits. I may, however, state that at the hearing of the dispute on its merits on 19th February 1962, Shri K. B. Chougule, the Secretary of the Union, did not press the demand on behalf of Health Visitors as also on behalf of the Compounder, Item No. 2 in the order of reference, as these two categories of workmen do not exist in the Kymore Limestone Quarry, but are employees of the Cement factory of the Company at Kymore. The Union also dropped the claim on behalf of the Chief Time Keeper—Item No. 8.

6. In the result, for the reasons stated in my order dated 20th January 1962, I award that the adjudication in respect of Item Nos. 4 and 9 i.e. for Trained Teachers and Headmasters. is not competent as they are not workmen under Section 2(s) of the Act, and I have, therefore, no jurisdiction to entertain the claim on their behalf. As the claim for Item No. 6, Health Visitors, Item No. 2 Compounders is withdrawn on the ground that there are not workmen employed in the Kymore Limestone Quarry—and the demand with regard to Item No. 8—Chief Time Keeper—is withdrawn, the demand with regard to them under reference also fails.

7. In the result, therefore, only the following 4 categories out of the 34 under reference, remain to be considered *viz.*:—

<i>Item No. in the Schedule</i>	<i>Category</i>
1	Time Keepers.
3	Quarry Overmen.
5	Blasting Supervisors.
7	Assistant Foreman.

8. However, before dealing with the Union's demand with regard to each of these 4 categories, I think, it is necessary to give a brief account of the events leading upto this dispute.

9. The Wage Board made its report on 7th October 1959 and its recommendations were to be operative from 1st January 1960. The Wage Board recommended 5 scales of pay, A to E, for operatives and 7 grades, I to VII, for clerical, lower technical and supervisory staff. With regard to the classification of the operatives, the Wage Board recommended that, in the conditions prevailing in the Cement Industry, the classification adopted in the Associated Cement Companies Ltd., the largest unit in the Industry, should be adopted and accordingly it recommended scales of wages of operatives into A, B, C, D and E grades, the E grade representing the unskilled worker (See para. 9.23 of the Report of the Wage Board). By para. 13.10.1 of its Report, the Wage Board recommended as follows:—

"Operatives who are already classified in Grades A, B, C, D & E should be put into the new A, B, C, D and E grades respectively. This should not be taken to preclude the Union concerned from resorting to the machinery provided by the Industrial Disputes Act, if it is dissatisfied by the classification in the case of any operative. Operatives who are not at present classified in this manner should be fitted into the new grades on the basis of skill, suitability and experience. This should be done by the employers after consulting the Unions within three months of our recommendations coming into effect and should have retrospective effect. If the Union is dissatisfied, the matter may be settled by arbitration provided that the two parties agree on the joint nomination of an arbitrator. Failing this, the machinery provided by the Industrial Disputes Act would be available".

10. With regard to salary Grades I to VII, for the clerical and lower technical supervisory staff, the Wage Board stated that the allocation directed by it into the grades I to VII should also be done by the employer after consulting the Union concerned within two months of its recommendation coming into effect and with retrospective effect from that date. It also recommended in the case of these class of workmen that if the Union is dissatisfied, the matter may be settled by an arbitrator, failing which the machinery provided by the Industrial Disputes Act would be available (Para. 13.22.3.).

11. It appears that in order to comply with these directions of the Wage Board, the management of the Kymore Quarry classified its workmen, both operatives and the clerical, lower technical and supervisory staff, into the various grades recommended by the Wage Board but it appears to have done this classification without consulting the Union. What it did was to forward the classification which it had made to the Union by its letter dated 1st December 1961 and invited the union's comments thereon. The Union wrote back on 20th January 1961 objecting to certain categorisations made by the management. One would have expected that there after the management would have invited the Union for a mutual consultation. But that was not done. Shri Kolah, has strongly argued that in having invited the comments of the Union the management had fulfilled the recommendations of the Wage Board with regard to consulting the Union. I think there is no real substance in this plea. It is clear that what the Wage Board had recommended was that the classification should be done by the employers, "after consulting the Union." As rightly argued by Shri Chougule for the Union, the consultation was to precede the classification and not follow it. Even if the consultation was to follow the classification as made by the Company the direction of the Wage Board with regard to consulting the Union cannot possibly be deemed to have been carried out, by the management

merely asking for the comments of the Union and thereafter not inviting the Union's representative for a discussion over the classification suggested by it and also the Union.

12. Be that as it may, when the management paid no heed to the objection raised by the Union to the classification as done by the Company, the Union raised an industrial dispute and referred the dispute with regard to the classification of the 34 categories stated in the Schedule, to the Conciliation Officer (C) Jabalpur, for Conciliation. Conciliation proceedings followed but ended in failure as stated in the Conciliation Officer's detailed and illuminating failure report dated 8/9 April 1961, after which Government was pleased to refer this dispute for adjudication to this Tribunal.

13. Before I proceed to discuss the claim of the Union with regard to the proper grade of pay under the Wage Boards Report, for the four categories, which have survived for consideration, I must deal with another contention urged by Shri R. J. Kolah. Shri Kolah has argued that in effect the claim in this dispute is for promotion and he has drawn my attention to several decisions of Industrial Tribunals where it is held that a demand for promotion should not be entertained by Tribunals because this is essentially a managerial function, unless a strong case is made out for fixing higher categories. These decisions also lay down that Tribunals should not unnecessarily interfere in guise of wrong classification. The cases relied upon by Shri R. J. Kolah are—

1. New Dholra Steamship Co. and its workmen, [Maharashtra Government Gazette Part II dated 29th December, 1960, P. 3319 at p. 3321 (Parts 5 and 6).]
2. Award of Shri M. R. Meher, President, Industrial Court, Maharashtra, in the case of Edward Textiles (Bombay Government Gazette Part II dated 18th February, 1960, at p. 767).
3. Award of Shri M. R. Meher, President, Industrial Court of Maharashtra, in the case of Glaxo Laboratories (Maharashtra Government Gazette Part II, dated 5th January, 1961 at page 40).

14. But I think that the instant case can be easily distinguished from the cases relied upon by Shri Kolah. The instant disputes are not for promotion of individual workman to higher posts but arise from the direction with regard to classification contained in para 13.22.3 of the Wage Board's Report. The dispute really is for proper classification in certain grades of pay recommended by the Wage Board, and the Wage Board itself has noted that on failure of parties to agree to arbitration over disputes on categorisation, the workmen could raise an industrial dispute over it under the Industrial Disputes Act, and such a dispute cannot, therefore, be treated on the same footing as a dispute with regard to a claim for promotion from a lower to higher post or category. I, therefore, reject the contention of Shri Kolah and hold that an industrial dispute is competent in respect of the demand under reference in respect of these surviving four categories, and that I have jurisdiction to entertain the same.

15. I, therefore, now proceed to deal with the evidence oral and documentary, which parties have led in respect of Time Keepers.

16. **Time Keepers.**—The management has placed Time Keepers in Grade I, under the Wage Board's recommendation on the pay scale of Rs. 70—5—100—E.B.—5—150, whilst the Union claims that the appropriate pay scale for them should be the Grade III, which is, Rs. 90—8—170—E.B.—10—250. The Union in its written statement has urged that considering the nature of the duties and responsibilities performed by the Time Keepers of the Kymore Quarry, the lowest clerical grade of pay of Rs. 70—150, is inadequate for them. It has urged that the Grade I scale of pay had been allowed by the company to categories of employees like testers and primary Trained teachers, than whom Time Keepers perform work of higher calibre.

17. The Company in its written statement has pointed out that the Wage Board's recommendation has merely prescribed number of monetary grades in respect of the clerical, lower technical and supervisory staff and it does not standardise the classification of the occupations into the monetary grades prescribed in its Report; that prior to the Wage Board's Report the Company had already an existing gradation scheme for its monthly rated clerical, lower technical and supervisory staff, which had been evolved on the basis of all factors such as the nature of the job, training required, experience involved and responsibilities undertaken; that the occupations were reviewed after the Wage Board Report in

the context of the minimum and maximum and the quantum of the annual increments in the existing monetary grades and the new monetary grades prescribed by the Wage Board and the same were allocated to the appropriate grades of the Wage Board. The Company has in the statement annexure "A" to its written statement shown that its "C" grade prior to the Wage Board's Report, in which Time Keepers were classified, had the scale of pay of Rs. 60—5—90—6—120—E.B.—6/2—150 and that this had now been revised to the scale of Rs. 65/70—5—110—E.B.—5—150 (non-matriculいたes to start on Rs. 65 and matriculates on Rs. 70) and the existing wage of these categories had been fitted into the pay scale as recommended by the Wage Board. The management has, therefore, contended that it having taken into account all factors such as the nature of the job, training required, experience involved and responsibilities undertaken etc., the Union could not raise this dispute and in any case the demand of the Union was not justified on the merits.

18. Witnesses of both parties examined at the hearing have referred to the nature of duties performed by the Time Keepers of the Kymore Quarry and both Shri Chougule and Shri Kolah, learned counsel for the Company have addressed me at some length on this point.

19. The management in opposing any higher grade to Time Keepers has relied mainly on the description of duties of Time Keepers stated in the standard list of occupations in the Cement Industry published by Government in which at item 131 page 26, Time Keeper's duties are stated as follows:—

"Issue token to workers at the beginning of the shift and collects them at the end. Maintains Muster Roll. Makes Wage Sheets and prepares pay bills. Also deals with compensation cases".

Shri Kolah has argued that the duties of Time Keepers are not in any way mere onerous or require any higher responsibilities than those of an ordinary clerk whose duties in the Government List (Item 125 at page 26) have been described as follows.—

"Undertakes general clerical duties. General education. May work as a general clerk in the office, or work in different sections of the office or plant in various capacities such as despatch clerk, weigh-bridge clerk, Canteen clerk, cleaning clerk, works clerk, etc."

Shri Kolah has also pointed out that three of the Time Keepers of the Quarry are non-matriculいたes and in opposing the Union's claim for the Grade III scale of pay, he has pointed out that that grade is to apply to much better qualified employees such as Trained graduate teachers. He has further submitted that the work of Time Keepers is of a general routine nature and requires no training or special intelligence and hardly any responsibility and that the revised scale for grade I clerks recommended by the Wage Board is adequate considering the improved increments at the later stages of that scale.

20. On the other hand, Shri Chougule has relied upon a comparable statement filed by the management (Ex. E—2) which shows that in 2 other Cement Works, namely Satna and in Digvijay, Time Keepers have, under the Wage Boards recommendation, been placed in grade II. It is, I think pertinent to remember that the Cement Works or companies mentioned in the Company's statement (Ex. 2) were selected by the management, and that the Satna Cement factory was started only in 1960. Shri Chougule has also pointed out that Time Keepers are the only category of clerks working in quarries who are subject to penalties under the Mines Act and its rules, and this was admitted in cross-examination by the Company's witness Ex. W-1, at page 7 or his evidence when he confirmed that Time Keepers are responsible under the Mines Act and its Rules. Shri Chougule has also pointed out that the duty hours of Time Keepers differ from the duty hours of other clerks as they have to work irregular hours during the three shifts, between 6-30 a.m. to 12-30 midnight. The Union has filed a statement giving a list of duties which according to it are performed by Time Keepers in the Kymore Quarry (Ex. W-2), and though some of the duties have been split up, out of the main heads of duties, all the same, Shri Chougule was right when he stated, and this was also confirmed by statements made in cross-examination by the Company's witness (W.E. 1), that Time Keepers in this quarry perform some more duties than that witness had stated in his examination-in-chief. The Company's witness (W.E.-1) had to admit in cross examination that Time Keepers maintain daily attendance Registers. It was also admitted by this witness that Time Keepers on the second and third shift record over time and that they have to allocate duties.

Shri Chougule has, therefore, argued that the duties of the Time Keepers in the Kymore Quarry, are many times more than the duties of the Time Keepers, specified in the Government's list of occupations in the Cement Industry, and he has therefore claimed that they should all be placed in the Grade III.

21. After an anxious consideration of the evidence both oral and documentary on record, I am inclined to the opinion that the Union has been able to establish that Time Keepers in the Kymore Quarry perform more duties, in a more onerous form and have also to shoulder heavier responsibilities than the general Grade I clerks. The Company's statement Ex. E. 2 also shows that the Time Keepers in the Cement Works at Satna and Digvijay are also placed in a higher category than category I. After an anxious consideration of the matter, I am satisfied that Time Keepers of the Kymore Quarry need to be placed in a higher grade, but I am not satisfied that the appropriate grade for them is the Grade III, claimed by the Union. I think the Union in claiming Grade III is claiming one grade higher than the proper grade for Time Keepers. I think the appropriate grade for Time Keepers should be the Grade II for which the scale of Rs. 80—6—140—E.B.—7—196 has been recommended by the Wage Board, and I award that Time Keepers shall be entitled to that grade from the date the Wage Board's recommendations have come into force i.e. from 1st January, 1960, and I further direct that their wages be adjusted into the said scale of Grade II, according to the directions of the Wage Board with effect from 1st January, 1960, and the dues found payable to the Time Keepers be paid to them within a month of this Award coming into operation.

22. Quarry Overmen.—The Company, in implementation of the Wage Board's recommendations has placed overmen in Grade II—in the pay scale of Rs. 80—6—140—E.B.—7—196, whilst the Union claims for them the Grade V which is in the pay scale of Rs. 110—12—170—14—240—E.B.—15—360.

23. In its written statement of claim the Union has stated that in a highly mechanised quarry like the Kymore Quarry, this classification is not proper and it has sought to justify the higher grade claimed by it by stating that the duties and responsibilities of overmen are higher than of the other categories who have placed in Grade II scales namely 'B' grade clerks and secondary trained teachers. The Union has stated that the company has placed Watch and Ward Supervisors, whose job requires no special qualifications and who have very limited number of workmen to supervise, in grade VII and, therefore, a quarry overmen should be placed in Grade V, at least.

24. The company in its written statement has urged the same objections against this demand, as it had urged in respect of the Time Keepers.

25. At the hearing both parties led oral and documentary evidence in respect of their respective stands.

26. The Union's case, briefly stated, is that overmen perform supervisory duties, which fact was admitted by the Company's witnesses Shri V. S. Laxman, the Manager of the Kymore Quarry (E.W. 1). The Union complains that in classifying overmen in Grade II the Company had not applied correct criteria or any principles whatsoever. He has, I think with justification, argued that the duties of overmen in a highly mechanised quarry like this, where very heavy machinery is used, must be considered to be very responsible. Shri Choughule has referred to the admitted fact that in this quarry 5 excavators are used—which have a capacity to lift $1\frac{1}{2}$ to $2\frac{1}{2}$ tons load; that the Euclid machine carries as many as 12 tons and the "More" has a rated capacity of 22 tons as admitted by the management. He has stated that the nature and condition of work in this quarry requires the presence of two overmen in each shift; this appears to be borne out by the record. Shri Choughule has argued that as the duties of the overmen are admittedly to look after the safety of the workmen, therefore considering that heavy blasting in the quarries are done at a depth of above 75 feet, with the shot-hole having a diameter of 8 inches and further considering that each of the heavy blasting operations require use of high explosives weighing about 200 to 300 lbs., the responsibilities of the overmen, one of which admittedly is to look after the safety of the workmen, must be deemed to be very heavy.

27. At the hearing there was controversy between the parties as to the number of overmen who are employed—the Union claimed that there were in all 6 overmen, whilst the company admitted only 3. The three employees whom the union claimed as overmen are Ramgopal, Nigam and Muqim-ud-din, whilst the company's case was that they were Tally checkers and not overmen. There was also controversy between the parties as to what is the proper designation of the

three employees whom the company says are overmen, and whom the union claims as shift Foreman, and in respect of whom the Unions complaint is that by being made overmen they have been demoted. I am, really not concerned with these controversies between the parties, because what I have to decide is what should be the proper grade of pay for the overman's category considering the duties and responsibilities of the overman in terms of the occupations and the standards laid down in the Report of the Cement Wage Board. I may, however, state that the company has stated and this is admitted by the union that whenever the three workmen whom it calls tally clerks acted as Overmen, they were paid overmen's wages. I may state that the record produced by the union exhibit W-1 does seem to support the union's case that the three workmen, whom the union says are overmen and the company says are tally-clerks, are really doing the work of overmen but, since the company says that it is paying them the overman's wages whenever they work as overmen I am confident the management will do the right thing by them and pay them the wages of the grade in which I am classifying overmen.

28. I have given an anxious consideration to the oral and documentary evidence on the record and the duties of overmen as revealed thereby, and I have come to the conclusion that the classification by the company of overmen in grade II in the scale of pay of Rs. 80—6—140—E.B.—7—196 is not proper in terms of the occupations and standards laid down by the Wage Board. It is clear to me that overmen perform supervisory duties, and it is not denied by the management that one of their duties is to look after the safety of the workmen. Considering that the quarry is highly mechanised, that its production per shift is quite high, and also considering the type of equipment and machines used in the quarry, I am of the opinion that the overman's work and responsibility deserve a higher category of pay than is granted by the company. By placing them in category II, the company has virtually placed them just above the lowest category. In my opinion the duties of overmen and their responsibilities need to be evaluated higher than what the management has done. In the comparatively new Cement Works at Satna the overman has also been placed in Grade II, as shown in the company's statement exhibit E-1. I am quite conscious that Tribunal should not ordinarily interfere with the classification which the management does, but in this case I think a clear case has been made out justifying my interfering with the classification granted to overmen by the company. The union has claimed that overmen should be placed in grade V for which the pay scale prescribed by the Cement Wage Board is Rs. 110—12—170—14—240—E.B.—15—360. This claim, in my opinion, is excessive. After an anxious consideration of the evidence, both oral and documentary, on record with regard to the duties and responsibilities of overmen, and after considering the submissions of the parties, I am satisfied that the classification of overmen in grade II as done by the company, is not proper and in my opinion in terms of the occupation and standards laid down by the Cement Wage Board, the proper classification of overmen should be in the grade III in the pay scale of Rs. 90—8—170—E.B.—10—250 and I direct that the overmen shall be given the benefit of this scale of pay in terms of the directions given by the Cement Wage Board with effect from 1st January, 1960, and I further direct that the amount found due to the overmen shall be paid to them within one month of this Award coming into operation.

29. *Blasting Supervisors*:—There is only one blasting supervisor in this quarry and the company has classified him in grade IV under the Cement Wage Board's recommendations for which the pay scale is Rs. 100—10—180—12—204—EB—12—300. The present incumbent is at the stage of Rs. 252/- in that scale. The union wants grade VII which is in the scale of pay of Rs. 150—15—300—EB—20—460 and in its written statement, in support of this demand, it had urged that as the company has put the Watch and Ward Supervisor in grade VII, the union is justified in claiming grade VII for the blasting supervisors. As regards the duties of the blasting supervisors, the company's witness LW—1 has stated that he issues blasting materials and it was ascertained at the hearing that the blasting supervisor is present when the shot hole is stemmed and also when it is fired. The union has emphasised that the duties of the blasting supervisor involve risk and responsibility and therefore a higher scale of pay for the blasting supervisor would be justified. The union has relied upon an Arbitrator's award in a dispute between the National Coal Development Corporation and its workmen under which the blasting supervisor of an open cast coal mine was awarded wages in the daily scale of pay of Rs. 7.15 nP.—Rs. 10/- per day. But there is not sufficient material to suggest that there is any real comparison between the duties of that job and that of the blasting supervisor in this quarry. In the standard list of occupations in the Cement Industry, the duties of a blasting supervisor are stated as being that "he supervises the blasting operations in quarries including the

distributing and charging of explosives in drill holes and his normal qualifications are stated as being, "general education and experience in the job, knowledge of safely precautions." The blasting supervisor in this quarry also appears to be performing those duties. No doubt, his duties do involve a certain amount of risk and responsibility considering that the shot holes in the quarry go to a depth of 75 ft and explosives of about 200 to 300 lbs. are used, for heavy blasting. But what I have to consider is whether for these duties and responsibilities the scale of pay of Rs. 100 to Rs. 300/- fixed by the Company is adequate. The union has not led any evidence to show that anywhere else a blasting supervisor is paid higher wages and its comparison with the duties of the watch and ward supervisor is clearly untenable. In Satna Cement Works, the blasting supervisor has been placed in the 'C' grade for operatives which has a lower scale of pay. The union has sought to draw a comparison with the scale of pay fixed by the company for another workman, one Mr. Dubey. But it was ascertained at the hearing that Shri Dubey is technically qualified, whilst no technical qualification is required for the post of blasting supervisor as seen from the standard list of occupations for the cement industry prepared by Government. In the result, I am not satisfied that the union has made out any case for my interfering with the classification done by the management with regard to blasting supervisors.

30. *Assistant Foremen*:—The last category that remains to be considered is that of assistant foreman. The company has placed him in grade V for which the Wage Board has prescribed the scale of pay of Rs. 110—12—170—14—240—EB—15—360, whilst the union claims for him grade VII in the scale of pay of Rs. 150—15—300—EB—20—460. It has been admitted that at present there are two assistant foremen who were formerly in the grade of Rs. 100 to Rs. 300/-. The present incumbents of the two posts are Shri Abbas Balg who is on a basic pay of Rs. 255/- and Shri Khamparia who is on a basic pay of Rs. 240/-. The union has urged that as the assistant foreman in the quarry is immediately below the Assistant Quarry Manager and there is no Quarry Foreman, the Assistant Foreman should be paid the same wages as the Foreman in the Cement Works, who has been placed in the scale of Rs. 150—15—300—EB—20—460. The company has stated that its classification is more than generous, as Assistant Foreman have been placed in the same grade—grade IV—as overseers whose duties are higher than those of Assistant Foremen. The union has sought to draw a comparison with the post of Kiln-Shift-in-charge in the Cement Works, but it was ascertained that there is no such designation in the company's cement works. The scale of pay for the Assistant Foreman in this company is also much better than the scale of pay for the Assistant Foremen in the Jaipur Udyog Cement Works where the Assistant Foreman has been placed in grade IV in the scale of pay of Rs. 100—10—180—12—204—EB—12—300, which is lower than that of grade V, in which the company has fitted its Assistant Foremen. On a careful considerations of the submissions made by the parties, I am not satisfied that the union has made out a case for disturbing the classification of Assistant Foremen in grade V.

31. I, therefore, make my Award accordingly. No order as to costs.

(Sd.) SALIM M. MERCHANT,
Presiding Officer,
Central Government Industrial Tribunal, Bombay.

ANNEXURE A

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE No. CGIT-18 of 1961

Employers in relation to Messrs. Associated Cement Cos. Ltd.,

AND

Their Workmen Employed in Kymore Lime Stone Quarry.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

Dated Bombay 20th January, 1962

APPEARANCES:—

For the employers.—Shri R. J. Kolah, Advocate (O.S.) Shri D. S. Dighe, Sr. Personnel Officer. Shri G. L. Govil, Personnel Officer.

For the Workmen.—Shri K. B. Chougule, Secretary, Kymore Quarry Karmachari Sangh. Shri G. C. Jaiswal, Member Working Committee, Indian National Mine Workers' Federation. Shri Emanuel Askar, General Secretary, Kymore Quarry Karmachari Sangh.

ORDER

This industrial dispute has been referred by the Central Government by the Ministry of Labour and Employment's Order No. 22/14/61-LRII dated 25th May 1961 made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947. The subject matter of the dispute as stated in the schedule to the said order is:—

SCHEDULE

"Whether the existing classification and the placing therein of the following categories of workmen in the Kymore Limestone Quarry of Messrs. Associated Cement Companies Ltd. are proper in terms of their occupations and the standards laid down in the report of the Central Wage Board for the Cement Industry; if not what should be the proper classification and placing and to what other relief they are entitled:

- (1) Time keepers (2) Compounders (3) Quarry Overmen (4) Trained Teachers (5) Blasting Supervisors (6) Health Visitors (7) Assistant Foreman (8) Chief Time Keeper (9) Headmaster (10) Helpers (11) Pointsmen (12) Mates (13) Watchmen (14) Chowkidar (15) Railway Mates (16) Peons (17) Shot firing Mazdoors (18) Greasers (19) Machinery attendants (20) Assistant Fitters (21) Carpenter (22) Issuers (23) Drillers (24) Shot firers (25) Blasting Mistries (26) Joy drill operators (27) Motor Lorry Drivers (28) Welders (29) Diesel fitters (30) Fitters (31) Electricians (32) Euclide operators (33) Scrapper operators and (34) Excavator Operators."

2. At the hearing of the dispute at Bombay on 6th January, 1962 Counsel Shri R. J. Kolah, appearing for the management urged certain preliminary objections with regard to the maintainability of this reference and the jurisdiction of this Tribunal in respect of certain categories. He has urged that of the 34 categories listed in the schedule to the order of reference the following 18 categories are in respect of operatives whose classification categorywise is not permitted in terms of their occupations and the standards laid down in the Report of the Central Wage Board for the Cement Industry; (hereinafter for brevity's sake referred to as the Wage Board). The categories in respect of which this objection has been raised are categories Nos. (10) helpers, (11) pointsmen, (12) mates, (13) watchmen, (14) chowkidar, (15) railway mates, (16) peons, (17) shot firing mazdoors, (18) greasers, (19) machinery attendants, (20) assistant fitters, (21) carpenter, (22) issuers, (23) drillers, (24) shot firers, (25) blasting mistries, (26) joy drill operators and (27) motor lorry drivers. The objection is that with regard to these categories the dispute with regard to classification into the categories prescribed by the Wage Board could only be in respect of individual operatives of those categories and not categorywise; that as the question of classification of individual operatives is not before this Tribunal in this reference, this Tribunal could have no jurisdiction with regard to classification of these categories—which are all of daily paid operatives.

3. It is admitted that by an agreement dated 1st February 1961 entered into between this company and the union it was agreed that the recommendations of the Cement Wage Board would be binding on the management. It may be stated here that the Wage Board's recommendations are to apply not only to the workmen of the cement works of the Associated Cement Companies Ltd., but also to its employees in the limestone quarries, including this particular quarry viz. the Kymore Lime Stone Quarry. Now the Wage Board fixed for operatives five grades viz. Grades A, B, C, D and E and it is admitted that these grades were the grades in force in this company. By paragraph 13.10.1 of its Report the Wage Board recommended as follows:—

"Operatives who are already classified in grades A, B, C, D and E should be put into the new A, B, C, D and E grades respectively. This

should not be taken to preclude the Union concerned from resorting to the machinery provided by the Industrial Disputes Act if it is dissatisfied by the classification in the case of any operative. Operatives who are not at present classified in this manner should be fitted into the new grades on the basis of skill, suitability and experience. This should be done by the employers after consulting the Unions within three months of our recommendations coming into effect and should have retrospective effect. If the union is dissatisfied the matter may be settled by arbitration provided that the two parties agree on the joint nomination of an arbitrator. Failing this, the machinery provided by the Industrial Disputes Act would be available."

4. Shri Kolah's contention is that under these directions of the Wage Board a dispute with regard to classification could only be raised in the case of individual operatives and not in respect of categories and that the recommendations of the Wage Board only provided for utilising the machinery provided by the Industrial Disputes Act in cases where there was a dispute with regard to the proper classification into these grades of individual operatives. It appears to me from the language of paragraph 13.10.1 and the scheme on which the Wage Board has formulated its recommendations, that this contention is correct. Shri Chougule for the union has on the other hand relied upon the settlement dated 1st February 1961 reached between the management and this union under which the recommendations of the Wage Board were made binding on both parties to the settlement, which was to be treated a settlement under the Industrial Disputes Act, 1947 as amended, and the rules thereunder. Para. 15 of the settlement on which Shri Chougule relies provides as follows:—

"In regard to disputes arising out of the implementation of the recommendations and the application or working out of the recommendations in individual case or categories, the union reserves the right for raising the same as stipulated in the recommendations, or as provided under the Industrial Disputes Act, 1947 as amended."

Shri Chougule has argued that the dispute with regard to proper classification of categories could be raised and that in fact the present dispute has been raised and referred to this Tribunal because of the powers reserved to the union in that behalf under the provisions of paragraph 15 of the said settlement. Shri Dighe, the Senior Personnel Officer of the Company has however pointed out that the reference to categorisation in paragraph 15 of the agreement of 1st February 1961 related to disputes with regard to categorisation not of operatives whose categorisation is covered under paragraph 13.10.1 of the Wage Board's recommendations, but that the reference to categorisation is with regard to the clerical and lower technical and supervisory staff of the company for whom Grades I to VII have been prescribed under para 13.19.1. I am not satisfied that the reference to categories made in paragraph 15 of the agreement of 1st February 1961, can entitle the union to claim classification categorywise of operatives. I am satisfied that the reference with regard to classification of the 18 categories objected to by the company is para. 4 of its written statement and as stated in para. 2 of this order, is incompetent as not arising out of the terms of their occupations and standards laid down in the Report of the Central Wage Board for the Cement Industry on the ground that disputes with regard to classification in respect of operatives can only be in respect of individual operatives and not categories. I, therefore, uphold the objection of the management and hold that I have no jurisdiction to entertain this reference in respect of these categories of workmen.

5. The management has also urged that the reference in respect of the following 7 categories of daily rated operatives in respect of whom the Union's claim is that they should be placed in the monthly rated clerical and lower technical and supervisory staff is also not competent. The 7 categories are:—

Item No. in the Schedule	Category
28	Welders.
29	Diesel Fitters.
30	Fitters.
31	Electricians.
32	Euclid operator.
33	Scrapper Operator.
34	Excavator Operators.

It is admitted that these are daily rated operatives who have been classified in the grades A to E. The Union, however, claims that they should be placed in various grades of pay fixed for the monthly rated clerical and lower technical and supervisory staff. I am, satisfied that the company's contention that such a claim is incompetent in terms of their occupation and the standards laid down in the Report of the Central Wage Board for Cement Industry, because they are daily rated operatives. I, therefore, hold that the demand of the Union for the classification of these categories into the monthly rated grades is incompetent.

6. The company, in its written statement, has urged two other preliminary objections. The first preliminary objection is that categories Nos. 4, 6 and 9 viz. trained teachers, health visitors and headmasters are not workmen within the definition of section 2(s) of the Industrial Disputes Act and therefore this Tribunal has no jurisdiction to adjudicate in so far as the demand affects them. Shri Kolah has in support of this contention relied upon two decisions of the Labour Appellate Tribunal, in the case of the Kannan Devan Hill Produce Co. Ltd., Munnar and their workmen (1954 I.F.J. Vol. VII pages 480-481) and the Nellarmalai Jute Mills Co. Ltd., and their workmen 1955 1 LLJ page 167 at page 171), where it was held that as teachers did not perform manual or clerical work and as their main duty is to teach pupils which is entirely brain work, they must be held not to be "workmen" within the meaning of section 2(s) of the Industrial Disputes Act, 1947. Shri Kolah has also relied upon a decision of the State Industrial Court, Nagpur reported at 1957 II LLJ page 347, where it was held that a teacher could not be deemed a clerk nor could his work be considered to be clerical work. On these decisions, I hold that the categories in items Nos. 4 and 9 e.g. trained teachers and headmasters, are not workmen within the definition of section 2(s) of the Industrial Disputes Act, 1947, and that, therefore, this Tribunal has no jurisdiction to entertain the same as in this Reference the award which I might give would result in determining what is the proper classification according to scales of pay of the trained teachers and headmasters and I would in fact be adjudicating upon what should be their proper scales of pay.

7. With regard to health visitors, sufficient evidence or material has not been placed before me in respect of the nature of their duties to enable me to decide whether they are workmen or not. I shall deal with this objection of the management with regard to health visitors when I deal with the question on merits regarding the other categories covered by this reference in respect of whom I have held that this reference is competent.

8. The third preliminary objection urged by the company in its written statement and at the hearing is that categories Nos. (2) compounders, (4) trained teachers, (6) health visitors, (7) assistant foremen, (8) chief timekeeper (9) headmaster, (16) peons and (3) electricians are not employed in the quarries and they are not on the muster roll of the quarries but are paid on the pay sheets of the Kymore Cement Works, and that, therefore, the reference with regard to them as employees of this quarry is incompetent. Of these 8 categories I have already dealt with the case of trained teachers and headmasters who would be excluded on the ground that they are not workmen as defined by section 2(s) of the Act, and I have already stated that I shall deal with the case of the health visitors after I have discussed the demand with regard to him on the merits. With regard to the chief time keeper's category the union at the hearing has dropped this claim. This category will therefore also be excluded. Of the remaining 4 categories, it is admitted that item No. 16 (peons) and item No. 31 (electricians) are daily rated operatives and therefore must be excluded. With regard to the remaining two categories—categories Nos. 2 and 7—compounders and assistant foremen, the union's contention is that they are employed in the quarries though they may not be on the muster roll of the quarry. The union has stated that when their cases are dealt with on the merits it would establish its contentions. I shall, therefore, deal with this objection of the company with regard to category Nos. (2) compounders (7) assistant foreman, when I hear the dispute with regard to them on the merits.

9. With regard to the remaining categories, viz. No. 1, time keepers, No. 3 Quarry overmen and No. 5 Blasting supervisors. I am of the opinion that they fall in the class of clerical lower technical and supervisory staff and under the directions contained in the Wage Board's Report the dispute with regard to their proper categorisation into the salary scales I to VII prescribed by paragraph 13, 19, 1 of Wage Board's recommendations would be competent.

10. In the over all result, I uphold the preliminary objections of the company and hold that this reference is incompetent for the reasons stated for all the 34

categories mentioned in the order of reference save the except in respect of the following 6 categories:—

Item No. in the Schedule	Category
1.	Time keeper.
2.	Compounders.
3.	Quarry Overmen.
4.	Blasting supervisors.
5.	Health Visitor.
6.	Assistant Foremen.

whose cases will have to be considered at the adjourning hearing of this reference.
Hearing adjourned to 12th February, 1962.

SALIM M. MERCHANT,
Presiding Officer.
[No. 22/14/61-LRII.]

New Delhi, the 1st May, 1962

S.O. 1357.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the West Jamuria and Jamuria 7/8 Pits Collieries and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 2 OF 1962

PARTIES:

Employers in relation to the West Jamuria and Jamuria 7/8, Pits Collieries
AND
their workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.
Dated, Dhanbad 16th April 1962

APPEARANCES:

For the employers:—Shri Nalini Das Gupta, Advocate, with Shri R. C. Saraswat, Clerk Accounts Department.

For the workmen: No appearance.

STATE: West Bengal.

INDUSTRY: Coal Mining.

AWARD

The Central Government by the Ministry of Labour and Employment's Order No. 2/200/61-LRII, dated 28th December 1961, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), was pleased to refer the industrial dispute between the parties abovenamed, in respect of the subject matters specified in the following schedule to the said order, to me for adjudication:—

SCHEDULE

1. "Whether the non-employment of Shri Ramu Dusad, Peon, by the managements of West Jamuria Colliery and Jamuria 7/8 Pits Colliery is justified?
2. Which of the aforesaid managements is responsible to give employment to Shri Ramu Dusad and what relief he is entitled to and from which management?"

2. After the General Secretary of the Colliery Mazdoor Congress, Asansol, had filed the written statement of claim dated 11th January 1962 on behalf of the workmen and after written statements were filed by the Manager, Jamuria 7 and 8 Pits Colliery and by the Agent for the West Jamuria Coal Co. Ltd., in which both denied any liability in this matter, the dispute was fixed for hearing at Calcutta on 12th April 1962. However, on 11th April 1962 Shri Nalini Das Gupta, Advocate, with Shri R. C. Saraswat, Clerk, Accounts Department, appeared before me and filed a joint application, dated 10th April 1962 recording the terms of settlement which had been reached between the parties and prayed that an award be made in terms of the said settlement. The joint application has been signed on behalf of the employers by Shri S. K. Bhattacharya, Constituted Attorney of Messrs. Equitable Coal Co. Ltd., representing the employers in relation to Jamuria 7 and 8 Pits Colliery and by Shri D. P. Biyani, Agent, representing the employers in relation to West Jamuria Colliery. On behalf of the workmen the joint application has been signed by the General Secretary, Colliery Mazdoor Congress and by Shri Ramu Dosad round whose non-employment this dispute centres. The case was thereafter called out at the hearing fixed on 12th April 1962, but no one was present on behalf of either party because of the settlement already filed.

3. The parties have prayed that an award be made in terms of the settlement reached between them as recorded in their said joint application a copy of which is annexed hereto and marked annexure 'A'. As it appears to me that in the facts and circumstances of the case the terms of settlement are fair and reasonable, I make an award in terms of the settlement recorded in the said joint application of the parties dated 10th April 1962, annexure 'A', which shall form part of this Award.

No order as to costs.

SALIM M. MERCHANT,

Presiding Officer,

Central Government Industrial Tribunal, Dhanbad.

BEFORE THE CHAIRMAN, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD, AT 22, RAJA SANTOSH ROAD, CALCUTTA-27

REFERENCE No. 2 of 1962

PARTIES:

Employers in relation to the West Jamuria Colliery and Jamuria 7/8 Pits Colliery

AND

Their workmen.

The joint application of the parties above named most respectfully sheweth:

That the Industrial Dispute in the reference has been amicably settled between the parties on the following terms:—

- (a) Sri Ramu Dusad, the workman concerned shall be discharged from service on payment of a sum of Rs. 1,200 in full and final settlement of all his claims and dues against either the Management of West Jamuria Colliery or that of Jamuria 7 and 8 Pits Colliery.
- (b) Out of the aforesaid sum of Rs. 1,200 the Management of Jamuria 7 and 8 Pits Colliery shall pay Rs. 400 as an *ex-gratia* amount. The balance of Rs. 800 shall be paid by the Management of West Jamuria Colliery, out of which a sum of Rs. 200 has already been paid to Sri Dusad which has been duly receipted by the latter. The remaining sum of Rs. 600 shall be paid by the Management of West Jamuria Colliery within the time specified below.
- (c) The payments as aforesaid shall be made by both the Managements within a month from the date of the Award which may be passed by the Hon'ble Tribunal in endorsement of this settlement.

The parties above-named therefore most humbly pray:

That in view of the amicable settlement of the dispute an award may kindly be passed in terms of the settlement and for this your petitioners shall ever pray.

Dated 10-4-1962.

Sd/-

(S. K. Bhattacharya),
Constituted Attorney of
Messrs. Equitable Coal
Co. Ltd., Representing
the Employers in relation
to Jamuria 7 and 8 Pits Colliery.

Sd/- Illegible

Agent,

Representing the Employers in
relation to West Jamuria Colliery.

For the Workman.

Sd/- Illegible

General Secretary,
Colliery Mazdoor Congress.
Signature of the workmen.
L.T.I. of Ramu Dosad.
Certified by Sri Agarwal
Welfare Officer, West
Jamuria Colliery.

Sd/- AGARWAL.

[No. 2/200/61-LRII.]

S.O. 1358.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad in the industrial dispute between the employers in relation to the Central Kirkend Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE NO. 22 OF 1961

PARTIES:

Employers in relation to the Central Kirkend Colliery

AND

Their workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

Dhanbad: Dated the 18th April 1962

APPEARANCES:

For the employers:—Shri M. N. Mukherjee, Head Clerk.

For the workmen:—Shri Ajodhya Prasad Gupta, Organising Secretary, Colliery Mazdoor Sangh.

STATE: Bihar.

INDUSTRY: Coal.

AWARD

The Central Government by the Ministry of Labour and Employment's Order No. 2/57/61-LRII dated 15th April, 1961, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947

(14 of 1947), was pleased to refer the industrial dispute between the parties above-named in respect of the subject matters specified in the following schedule to the said Order, to me for adjudication:—

SCHEDULE

"Whether the management stopped the following 19 workmen from doing their work with effect from 12th December 1959? If so, to what relief are the workmen entitled?"

Names of workmen.

1. Shri Ruplal Bhuiya.
2. Shri Roudi Bhuiya.
3. Shri Sheobhajan Jada.
4. Shri Jamuna Singh.
5. Shri Radha Dusad.
6. Shri Ramkheian Bhuiya.
7. Shri Bideshi Dusad.
8. Shri Kalutan Ram.
9. Shri Bhola Mahato.
10. Shri Jaimangal Bhuiya.
11. Shri Subal Sikdar.
12. Shri Sudama Pandey.
13. Shri Karoo Bhuiya.
14. Shri Rambhoji Bhuiya.
15. Shri Ramdhin Nunia.
16. Shri Kapura Kamin.
17. Shri Paifree Kamin.
18. Shri Sanva Kamin.
19. Shri Budhia Kamin.

2. After the parties had filed their written statements at the hearing of this dispute before me at Dhanbad on 18th April 1962 the parties filed the terms of settlement reached between them and have prayed that an award be made in terms of the said settlement. A copy of the joint application of the parties containing the terms of settlement is annexed hereto and marked annexure 'A'. In view of the fact that it is admitted that the colliery has closed down, the terms of settlement appear to be fair and reasonable and I therefore accept the settlement and make an award in terms of annexure 'A' which shall form part of this award.

No order as to costs.

SALIM M. MERCHANT,
Presiding Officer,
Central Government Industrial Tribunal,
Dhanbad.

ANNEXURE 'A'

BEFORE THE PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

REFERENCE No. 22 OF 1961.

Employers in relation to Central Kurkend Colliery.

AND

Their workmen.

The Parties above-named most respectfully sheweth:—

1. That in consideration of the fact that the Central Kurkend Colliery has been closed down and in view of the fact that various cases and references are pending between the parties, a memorandum of settlement dated 27th January 1962, was effected between the union representing the workmen and the employers to resolve all outstanding disputes.

2. That without prejudice to the contentions of the parties in the above reference it is hereby agreed between the parties as follows:—

- (a) That all workers except those working as Trammers and Firemen in the Hard-Coke ovens on 12th December 1959, shall stand retrenched and

paid compensation at the prescribed rate calculated for their length of service as hereinafter mentioned.

- (b) That all workmen working as Trammer and Fireman in hard coke oven on 12th December 1969 shall be paid an *ex-gratia* amount equivalent to ten days of total emoluments for every year of service with the management, calculated for their length of service as hereinafter mentioned.
- (c) That all workmen who have completed six years of service shall be paid retrenchment compensation at the prescribed rate for every year of service.
- (d) That all those workmen who have worked for more than six years shall be paid retrenchment compensation for the first six years of service as per clause (c) above. They will be paid at the rate of fifteen days total emoluments for every two years of service over six years.
- (e) That those workmen who claimed to be in employment in the Colliery from before 1946 and about whom no record is available with the management shall produce satisfactory evidence of their service and the management shall consider their past service for calculating retrenchment compensation.
- (f) That the retrenchment compensation calculated at the above rate and the length of service will be paid to the workmen within 15 days from the date of this agreement.
- (g) That the parties will bear their respective costs of this proceeding.

It is therefore prayed that the above compromise may be recorded and an Award passed in terms thereof.

(Sd.) Illegible.

Director,

AJODHYA PARSAD GUPTA,
Organising Secretary,
Colliery Mazdoor Sangh, Dhanbad.
For Workmen.

Dated the 18th April 1962.

Central Kurkend Coal Co. Ltd.

For Employers.

Dated the 18th April 1962.

[No. 2/57/61-LRII.]

ORDERS

New Delhi, the 25th April, 1962.

S.O. 1359.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Sitasongi mine of Seth Gopkisan Agarwal and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE.

Whether the management of Sitasongi Manganese Mine of Seth R. S. Gopkisan Agarwal was justified and legally correct in terminating the services of (1) Bala s/o Sukha, (2) Kaloo s/o Tidakoo and (3) Kisan s/o Kodoo. If not what relief should be given to the workers and from what date.

[No. 23/10/62-LRII.]

New Delhi, the 28th April 1962

S.O. 1360.—Whereas the Central Government is of opinion that an industrial dispute exists between the Jealgora Gobindpur Colliery and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Hemanta Kumar Chaudhury as the Presiding Officer with headquarters at Patna, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the management of Jealgora Gobindpur Colliery was justified in rendering their workmen idle from 1st January, 1962 and onwards. If not to what relief are the workmen entitled?

[No. 1/10/62-LRII.]

S.O. 1361.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Diamond Tetturia Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Shri Hemanta Kumar Chaudhury as the Presiding Officer, with headquarters at Patna, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the management of Diamond Tetturia Colliery was justified in rendering Shri Ram Murat Pandey, office peon, idle from the 17th February, 1962. If not, to what relief is the workman entitled?

[No. 2/36/62-LRII.]

S.O. 1362.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Ramkanali Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Hemanta Kumar Chaudhury as the Presiding Officer, with headquarters at Patna, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the dismissal of the following miners by the management of Ramkanali Colliery from 25th December, 1961, was legal and proper; if not, to what relief are the workmen entitled:—

1. Sri Chamari Bhuia.
2. Sri Ramdhani Bhuia.
3. Sri Kolia Bhuia.
4. Sri Siba Bhuia.
5. Sri Jugal Kora.
6. Sri Jethu Bhuia.
7. Sri Jamuna Bhuia.
8. Sri Tekan Bhuia.
9. Sri Anchhu Bhuia.
10. Sri Sambhu Kora.
11. Sri Bifan Bhuia.
12. Sri Sipahai Bhuia.
13. Sri Mathur Bhuia.
14. Sri Charkoo Bhuia.
15. Sri Badha Kurmi.
16. Sri Bandhu Bhuia.
17. Sri Sukhdeb Beldar.
18. Sri Mungeswar Dusadh.

[No. 2/33/62-LRII.]

A. L. HANDA, Under Secy.

ORDER.

New Delhi, the 1st May, 1962

S.O. 1363.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to M/S. M.K.R. & Co., Bombay, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7-A, of the said Act.

SCHEDULE

Whether the terms of settlement dated the 18th January, 1962, arrived at between Messrs. S. Vilas and Co., and other Iron and Manganese Ore contractors and the Transport and Dock Workers' Union, Bombay, should be made applicable to Messrs. M.K.R. and Co., Bombay.

[No. 28/8/62-LRIV.]

B. R. SETH, Dy. Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 27th April 1962

S.O. 1364.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and proviso to sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958 read with sub-rule (3) of rule 9 of the said Rules, the Central Government hereby re-appoints Dr. Gaurinath Sastri and Shri Monish Roy as members of the Advisory Panel of the Central Board of Film Censors at Calcutta for a further term of two years with effect from the 12th May, 1962.

[No. F. 11/3/62-TC.]

B. S. DASARATHY, Dy. Secy.

New Delhi, the 28th April 1962

S.O. 1365.—In exercise of the powers conferred by Section 5(2) of the Cinematograph Act, 1952 read with rule 10 of the Cinematograph (Censorship) Rules, 1958, the Central Government is pleased to appoint Shri P. N. Kamath, Superintendent, Central Board of Film Censors, Bombay, to officiate as Secretary to the Chairman, Central Board of Film Censors, Bombay, with effect from the afternoon of 11th April, 1962 up to 22nd June, 1962, vice Shri V. S. Shroff granted leave.

[No. F. 2/14/62-FC.]

R. K. GOVIL, Under Secy.

